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REVISION HISTORY		
Rev	Description of Change	Effective Date
1	Original	01/26/05
2-20	Revisions prior to instituting ISO 9000	01/28/05
21	Fixed pagination	04/26/05
22	Revised header to reflect FAA logo	5/04/05
23	Revision to the Preface of Part II (ARAC) to reflect Stakeholder/Customer Feedback Process	11/07/05
24	Revisions to the Preface & Table of Contents of Part II (ARAC) and Chapter 7 (Feedback paragraph) to reflect changes to the feedback form/process	12/05/05
25	Revisions to guidance on Customer Feedback Form for advisory committees	12/12/05
26	Product definitions added to both the ARC section and the ARAC section. Also, references to AVR were changed to AVS; the website citations were updated; and other minor, editorial changes were made.	02/22/06
27	Revised 2 ARAC Performance Measures on page 99 to adjust ARM requirement for meeting notices to be forwarded to the <i>Federal Register</i> 20 working days prior to the meeting date rather than 15-calendar days.	03/11/06
28	Due to a reorganization in APF, revised ARC coordination on page 14 from ABU to ABU-1/20 and APF to AFM-410.	05/22/06
29	The 06/14/06 internal audit revealed Revision # and effective date in the header was not updated since Revision 26. This nonconformance was captured in CAR-06-1408. This Revision updates the header and is available in appropriate points of use.	06/16/06
30	As a result of feedback from the Northwest Mountain Region, the Committee Manual was updated to reflect the ARAC Tasking Template [Docs #21323] on pages 84, 85, and 86.	01/09/07
31- 32	FOIA link reference updated on pages 14, 70, 71, and 85. Reference to Air Traffic Issue Area removed from pages 28, 39, 44, 46, 47, 49, and 55. Reference to Joint Aviation Authorities (JAA) and harmonization (where appropriate) removed from pages 10, 18, 19, 29, 30, 31, 32, 33, 47, 53, 57, 72, 77, 81, 82, 84, 88, 98, 104 113, Chapter 6, and Appendices E and F.	08/14/07
33	Minor change: Acknowledgement letters will now reflect ARM-1 signature.	06/09/08
34	Minor changes: ARC section updated to reflect Administrative Procedure Act	02/03/09

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	(APA) requirement and ARM Analyst Responsibilities. Additional Appendix added to include guidance for contractor support.	
35	Minor Change: Remove note on page 91. Requirement to report ARAC Expenditures to ABU-200 is no longer necessary. This information is being rolled up under AVS.	March 23, 2009
36	Link review and updated	July 27, 2009
37	Minor change: Update ARAC measures and move to page 91	April 14, 2010
38	Extensive edits to update the document to be consistent with new systems (e.g., Docs) and new rulemaking lifecycle document. Additional clarification on the distinction between ARCs and ARAC added. Added Appendix B – Anti-Trust Guidelines. P-11-99.	September 12, 2011
39	Extensive edits to Part I: Committee Process. Defined the difference between ARAC and ARC. Further defined the process on how to request either an ARC or ARAC. Included information about the Committee Database website and the document tracking system. Extensive edits to Part II: ARC. Defined what an ARC is and created a process for ARC's. Extensive edits to Part III: ARAC. Updated to be consistent with the new ARAC charter and organization. Made changes to the overall process including new phases, and reduced overall redundancies within the part.	March 5, 2013

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PART I: COMMITTEE PROCESS

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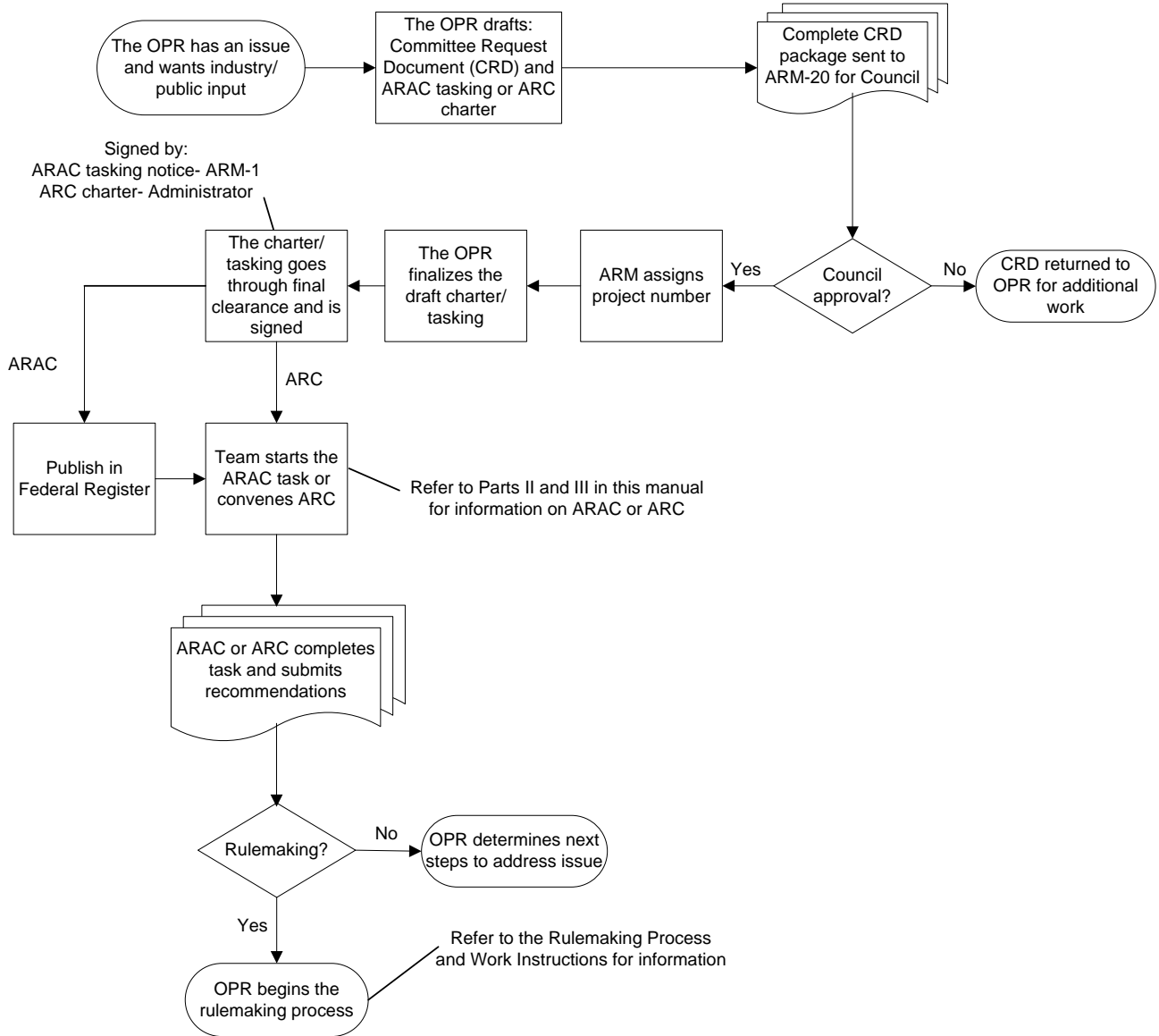
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COMMITTEE FLOWCHART



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CHAPTER 1.0: PREFACE

1.1 PURPOSE

This guidance explains how to initiate and execute the Aviation Rulemaking Advisory Committee (ARAC) and Aviation Rulemaking Committee (ARC) process.

1.2 DISTRIBUTION

This guidance is available to all interested individuals (including Federal Aviation Administration (FAA) personnel and committee members) on the [FAA website](#).


1.3 PROPRIETARY INFORMATION

The Office of Rulemaking (ARM) often solicits information prior to rulemaking and receives information during rulemaking that may contain proprietary or personal information. Generally, all information used in rulemaking must be available to the public and thus placed in the docket. However, if information furnished contains proprietary or personal information, the FAA will do everything reasonable to accommodate the request of the member, in accordance with 14 CFR 11.35(b). If proprietary information is received in ARM, it is usually passed on to either the Office of Policy and Plans (APO) or the Office of Primary Responsibility (OPR). Any remaining information will be stamped "Proprietary Information" and placed in the project folder.

1.4 REVISIONS AND UPDATES TO THIS MANUAL

The FAA's Office of Rulemaking periodically revises these procedures to ensure the information is accurate. Forward comments or recommended revisions to:


Office of Rulemaking
Federal Aviation Administration
Attn: ARM-20
800 Independence Avenue, SW.
Washington, DC 20591
202-267-9677

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1.5 ACRONYMS

While acronym use is minimized to make the document easier to read, the following acronyms are used throughout the document.

AGC	Office of the Chief Counsel
APA	Administrative Procedure Act
APO	Office of Aviation Policy and Plans
ARAC	Aviation Rulemaking Advisory Committee
ARC	Aviation Rulemaking Committee
ARM	Office of Rulemaking
CRD	Committee Request Document
DFO	Designated Federal Official
DOT	Department of Transportation
FAA	Federal Aviation Administration
FACA	Federal Advisory Committee Act
FOIA	Freedom of Information Act
NPRM	Notice of Proposed Rulemaking
OPR	Office of Primary Responsibility

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CHAPTER 2.0 THE PROCESS

2.1 GENERAL INFORMATION

2.1.1 Advisory and Rulemaking Committees

The FAA has two types of committees: advisory and rulemaking.

An **advisory committee** is defined by the Federal Advisory Committee Act (FACA) of Title 5 United States Code (5 U.S.C.) Appendix 2 as any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup, that is established or utilized by the federal government to obtain advice or recommendations and is not composed solely of full-time or permanent part-time federal officers or employees.

A **rulemaking committee** is unique to the FAA under the authority of Title 49 of the United States Code (49 U.S.C.) section 106(p)(5). The FAA has the sole authority to establish and task Aviation Rulemaking Committees (ARCs). A rulemaking committee is exempt from FACA requirements, but the FAA must adhere to Administrative Procedure Act (APA) requirements if the ARC's activities affect a rulemaking project.

The office of primary responsibility (OPR) identifies an issue that could result in rulemaking and wants to obtain advice from industry. To determine which committee is the most appropriate, use the following descriptions:


ARAC is a formal standing *advisory committee* that provides the FAA with information, advice, and recommendations, concerning rulemaking activity, such as aircraft operations, airman and air certification, airworthiness standards and certification, airports, and noise. It is subject to FACA¹ rules.

Reasons to choose ARAC:

- Public participation is necessary on potential rulemaking activities.
- Public review of the products and recommendations is appropriate.

(Refer to Part III of this manual for more information on ARAC's.)

¹ FACA governs most advisory committees. For additional information on FACA, see [Title 5 of the United States Code, Appendix 2](#).

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ARC is a *rulemaking committee* that provides information, advice and recommendations to the FAA. However, it is not subject to FACA requirements and is therefore somewhat more flexible. ARCs are formed on an ad hoc basis, for a specific purpose, and are typically of limited duration.

Reasons to choose ARC:

- The rulemaking is underway and the team needs industry to examine an issue.
- Requires involvement from several FAA offices and it is appropriate to have more than one FAA Representative.
- The FAA has a specific membership composition it wants based on the technical subject being considered.

(Refer to Part II of this manual for more information on ARC's.)


2.1.2 Major Differences Between ARAC and ARC

Table 2-1
Differences Between ARAC and ARC

Subject	ARAC	ARC
FACA	Must follow	Does not follow
APA	Follows during rulemaking	Follows during rulemaking
Federal Register	All information (tasks, meeting announcements, and recommendations) must be published.	There is no requirement to publish any ARC information.
Decision making governing body	ARAC is the industry led governing body that makes decisions on taskings from the FAA, recommendations from its working groups, and submits its recommendations to the FAA.	An ARC is a standalone group that governs itself. There is no industry led governing body to make decisions on tasks or recommendations. Those decisions are made by the FAA sponsoring office of the charter.
Charter	There is one charter for ARAC. It is renewed every two years.	Each ARC has its own charter. Each ARC charter is limited by scope and time to address issues. The charter expires on average 6-24 months after issuance. The charter may be extended or renewed for a short period of time to complete the tasks or address additional related tasks assigned by the FAA.
Leader	Industry leads ARAC, subcommittees, and working groups.	Both industry and the FAA co-lead the ARC.
FAA Participation	Provides guidance as a non-member.	Active role as a member.
Recommendation	Working groups submit recommendation to ARAC, which in turn submits to the FAA.	Submitted to the sponsoring office of the charter.

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2.2 DRAFTING THE DOCUMENT

The OPR selects the appropriate committee and drafts the *ARAC Federal Register* tasking notice (Doc #21323) or the ARC charter (Doc #32760).

ARAC *Federal Register* tasking notice contains the following information:


- A detailed description of the issue.
- Background of the issue, including a summary of related safety data from accidents/incidents, recommendations from National Transportation Safety Board (NTSB) and/or other government/industry organizations.
- Outstanding enforcement actions.
- Historical FAA regulatory requirements, policy, and guidance.
- Relevant petitions for exemption.
- Guidance about harmonization, if it is a goal.
- Specific guidelines about the task for the working group to examine, including specific questions that focus on the technical and policy issues that could be addressed in the rulemaking or other action.
- Initial qualitative and quantitative costs and benefits, if necessary.
- Requirement for a recommendation report, which includes documenting the majority and minority positions.
- Duration of working group. Typically, working groups are given one year from the date of the first meeting. However, it depends on the scope, magnitude and complexity of the task.
- Urgency of the task.
- Who should receive the task: ARAC or a subcommittee.
- The possibility that after the recommendation has been submitted the working group may be reinstated on a temporary basis to assist the FAA with questions and concerns.

ARC Charter contains the following information:

- Purpose
- Background
- Objectives and Scope of the ARC
- ARC Procedures
- Organization, Membership, and Administration
- Cost and Compensation
- Public Participation
- Audience
- Availability of Records
- Public Interest

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- Effective Date and Duration (Typically no more than 2 years. The recommendation report should be due prior to the charter’s expiration.)
- Distribution

2.3 SUBMITTING AND APPROVING THE COMMITTEE REQUEST DOCUMENT (CRD)

The Committee Request Document (CRD) is the form the OPR uses to request a committee from the Rulemaking Management Council. The OPR must submit either a draft ARAC tasking notice or draft ARC charter along with the CRD. The OPR reviews and concurs with the draft ARAC tasking notice or draft ARC charter prior to submitting the CRD to the Rulemaking Management Council.

- Step 1:** The OPR reviews and concurs with both the draft ARAC tasking notice or the draft ARC charter and the CRD prior to submitting the CRD.
- Step 2:** The OPR submits it to the Office of Rulemaking (ARM) ARM-20 Council Coordinator for the next Rulemaking Management Council meeting, in accordance with the annual Rulemaking Calendar (Doc #30770).
- Step 3:** The Rulemaking Management Council makes a decision to approve, reject, or modify the tasking notice or charter. If approved, an ARM analyst is assigned to the project and the ARM-20 Council Coordinator assigns a Committee Number.


2.4 FINALIZING AND COORDINATING THE DOCUMENT

The OPR, working with the ARM analyst, finalizes the draft ARAC tasking notice or the draft ARC charter. This includes addressing any clarifications or modifications requested by the Rulemaking Management Council.

For ARAC: The tasking notice goes through review and concurrence with the OPR and ARM. It is the responsibility of the ARM analyst assigned to the working group to coordinate the tasking notice with the OPR and ARM management. (See section 2.4.1 *Circulation Folders* of this part for further information.)

For ARC: If the Rulemaking Management Council *approved as submitted*, then the OPR is not included in the routing and concurrence of the charter. The OPR submitted the draft charter to Rulemaking Management Council with the understanding that it is considered a final draft. (See section 2.4.1 *Circulation Folders* of this part for further information.)

If the Rulemaking Management Council *approved with revisions*, then the OPR will finalize the draft charter, incorporating any comments from the Rulemaking Management Council, route for

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concurrence, and submit it to ARM. (See section 2.4.1 *Circulation Folders* of this part for further information.)

It is the responsibility of the ARM analyst assigned to the ARC to coordinate the charter. ARM will prepare the transmittal memo and complete coordination and issuance for the Administrator (AOA) (Doc #32570).

2.4.1 Circulation Folders

The ARM analyst prepares a green circulation folder to route either the ARAC tasking notice or the ARC charter for concurrence.


For ARAC: The green folder contains two versions of the final draft of the tasking notice (Doc #21323): a clean copy and one with a routing grid. The routing grid in the circulation folder appears as follows:

- OPR project lead routing symbol (if revisions were made),
- OPR Branch/Division routing symbol (if revisions were made),
- OPR Director-level routing symbol (if revisions were made),
- ARM analyst's routing symbol,
- ARM Division routing symbol, and
- ARM Director-level routing symbol.

After the OPR and ARM have concurred with the tasking notice, it is ready to be issued and published in the *Federal Register*. (See section 2.5 *Issuing the Document* of this part for further information.)

For ARC: The green folder contains two versions of the transmittal memo to AOA (Doc #32570): one clean copy and one with the grid for routing and concurrence and the final ARC Charter (Doc #32760). The routing grid in the circulation folder appears as follows:

- OPR project lead routing symbol (if revisions were made),
- OPR Branch/Division routing symbol (if revisions were made),
- OPR Director-level routing symbol (if revisions were made),
- ARM analyst's routing symbol,
- ARM Division routing symbol,
- ARM Director-level routing symbol,
- AGC-200 Office of Assistant Chief Counsel, International Law, Legislative, and Regulations Division,
- AGC-2 Deputy Chief Counsel,

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- AVS-1 Associate Administrator for Aviation Safety, and
- Office of the Deputy Administrator (ADA-1)/AOA-1 Administrator.

After all interested parties have concurred with the charter, it is ready to be delivered to the Administrator for issuance. Place the circulation folder for ADA/AOA in the inbox at the entrance to Room 915-J. AGC-200 forwards the folder to ADA/AOA through AGC-1 for review and signature and notifies ARM via e-mail when the folder is forwarded to ADA/AOA. AOA-3 will request an electronic copy of the charter through the correspondence unit.

After ADA/AOA review and issuance is complete, the folder is placed in the ARM box in the AVS suite. AVS-1 notifies ARM of concurrence. ARM picks up the folder from AVS-1 and notifies the OPR the ARC charter is signed. (See section 2.5 *Issuing the Document* of this part for further information.)

2.5 ISSUING THE DOCUMENT

For ARAC: Prior to publishing the notice in the *Federal Register*, the ARM-20 Council Coordinator sends the tasking notice to the ARAC members for approval. For further information on how to get ARAC approval, refer to Part III, 2.1 *Phase 1: FAA Tasking ARAC*. Once ARAC approves the tasking notice, ARM-1 signs it and it is published in the *Federal Register*. The ARM analyst will upload the tasking notice in the document management system and provide it to the ARM-20 Council Coordinator, who in turn will file the tasking notice with the FAA internal records. From this point, refer to Part III of this Manual.

For ARC: The FAA Administrator has sole authority for issuing an ARC charter. Once the Administrator signs the charter, ARM sends a copy of the issued charter to the OPR. It is not necessary to publish ARC charters in the *Federal Register*. The ARM analyst will upload the charter in the document management system and provide it to the ARM-20 Council Coordinator, who in turn will file the original charter with the FAA internal records. From this point, refer to Part II in this Manual.


2.6 POSTING TO THE COMMITTEE DATABASE WEBSITE

The following documents are added to the Committee Database website:

- ARAC Tasking Notice,
- ARC Charter, including any extensions or renewals,
- Recommendation Reports,
- Acknowledgement letters, and
- Other related materials.

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Tasking Notice or Charter

After the ARAC tasking notice has been published or the ARC charter has been issued, it can be posted to ARM's Committee Database website. The Committee Database website is for public use and informs the public what activities the FAA is conducting using the ARAC (advisory committee) and ARCs (rulemaking committees).

The OPR sends an email to the ARM-20 Council Coordinator that contains the following information:

- Title of the committee.
- Point of Contact, which includes name, routing code, phone number, and email address.
- Brief description of the committee.
- Expiration date of the committee.
- The signed document (in pdf form).

The ARM-20 Council Coordinator will enter the information and load the document onto the Committee Database website and will inform the OPR when it is complete.

Recommendation Report

For ARAC: When ARAC submits the recommendation report to the FAA, ARM can immediately post the recommendations to the Committee Database website.

For ARC: When the ARC has submitted its recommendation report, the OPR informs ARM when to post it to the Committee Database website.

2.7 IRMIS


A project begins when the Rulemaking Management Council approves the CRD. Once it is approved, the ARM-20 Council Coordinator creates the project in the Integrated Rulemaking Information System (IRMIS). (IRMIS is a project management system and is used to track the status of ongoing projects.)

In addition to tracking the project in IRMIS, the ARM analyst uploads any of the following documents into the FAA's document management system:

- ARAC Tasking Notice,
- ARC Charter, including any extensions or renewals,
- List of participants,
- Recommendation Reports,
- Acknowledgement letters, and
- Other related materials.

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The project is considered complete when the FAA receives the recommendation report and responds back with an acknowledgement letter. The ARM analyst closes out the project in IRMIS and ensures all documents associated with the project are current in the document management system and linked to IRMIS.

2.8 FURTHER INFORMATION

Part II and Part III of this Manual provide guidance for managing the ARAC task or the ARC. If the FAA decides to proceed with rulemaking after the FAA receives the ARAC or ARC recommendations, the OPR will develop an Application for Rulemaking (Doc # 30277). Refer to the Rulemaking Process and Work Instructions for further guidance.


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Template	Doc #
General	
Committee Request Document (CRD)	30279
Rulemaking Calendar	30770
ARC	
Charter Template	32760
Industry Co-Chair Acceptance Letter	34330
Transmittal Memo - AOA Issuance, Create/Renew	32570
Transmittal Memo – AOA Issuance, Extend	34332
FAA Acknowledgement Letter of Recommendation Report	33934
ARC Feedback Form	35414
ARAC	
<i>Federal Register</i> Tasking Notice Template	21323
Acceptance Letter of working group member	32989
Rejection Letter of working group member	32990
Work Plan Template	32947
Recommendation Report Template	34333
FAA Acknowledgment Letter of Recommendation Report	32991
ARAC Feedback Form	30178
Working Group Feedback Form	35413

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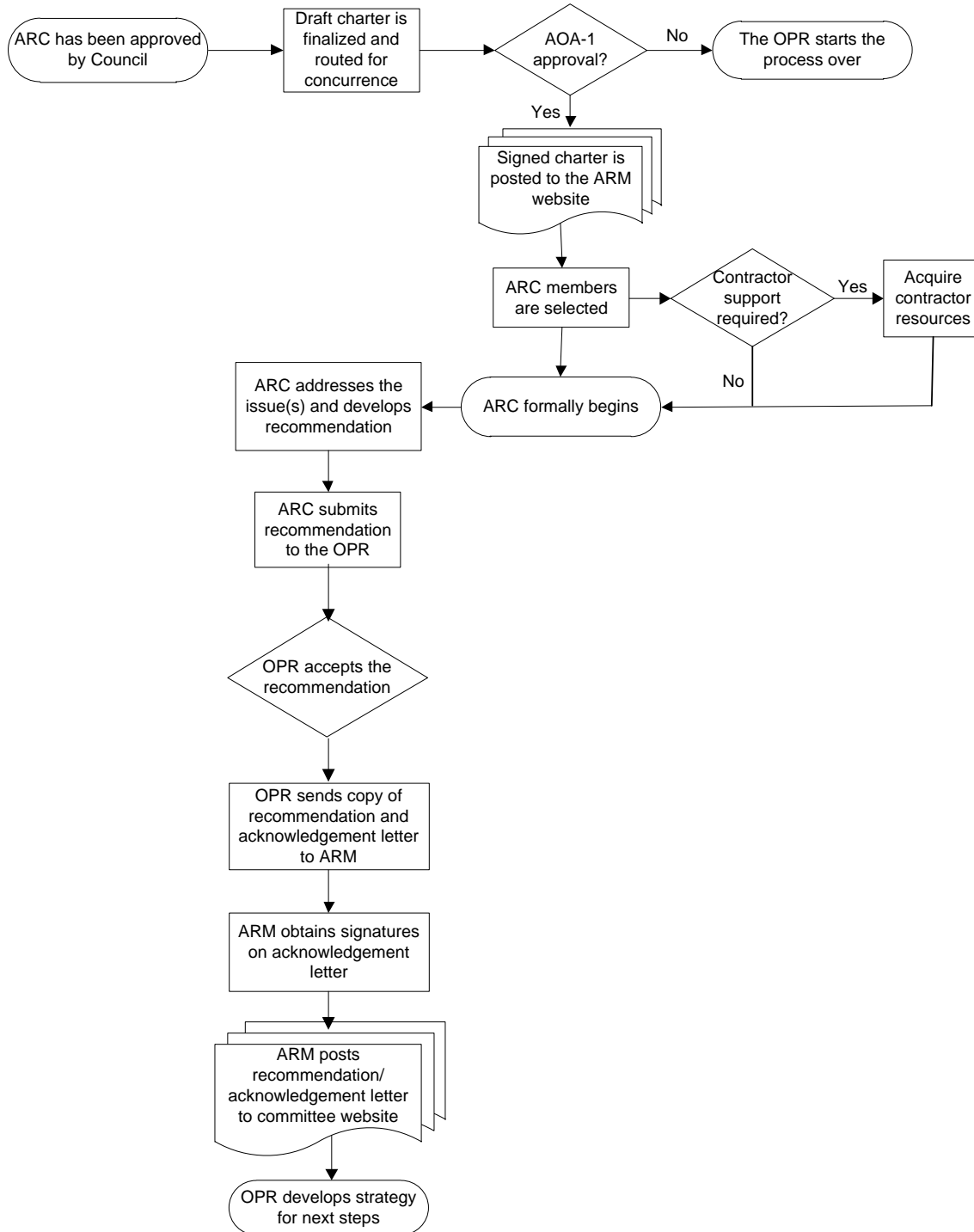
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ARC PROCESS FLOWCHART



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CHAPTER 1.0: GENERAL INFORMATION

1.1 OVERVIEW OF ARC

1.1.1 History of ARC

Title 49 of the United States Code (49 U.S.C.) section 106(p)(5), authorizes the FAA Administrator to establish ARCs that are exempt from FACA requirements.

1.1.2 Definition of ARC

ARCs function solely in an advisory capacity. Non-Government representatives serve without Government compensation and bear all costs related to their participation on the ARC. The FAA has the sole authority to establish and task ARCs. This allows the FAA to work with industry and the public to improve the development of the FAA's regulations. ARC members may include aviation associations, technical experts and public interest/advocacy groups. ARCs may establish formal operating procedures for their day-to-day operations.


1.1.3 Objectives of ARC

The FAA establishes an ARC to:

- Improve development of the FAA's regulations by involving members of the regulated community and the public early in the development process. The ARC:
 - Includes both industry and public concerns and opinions in its documents to enhance the probability of acceptance when a document is published by the FAA.
 - Avoids placing unnecessary burdens on industry and the public because of a lack of information.
- Exchange ideas through the ARC process, which gives the FAA additional opportunities to obtain first-hand information and insight from those parties most affected by existing and proposed regulations and other regulatory information.

1.1.4 ARC Membership

The FAA establishes a committee of members of the aviation community, both U.S. and international. Members are selected based on their familiarity with the subject and regulatory compliance. Membership is balanced in viewpoints, interests, and knowledge of the committee's objectives and the scope is limited to promote discussion.

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1.1.5 ARC Organization

Each ARC consists of the following:


- **ARC:** A group of aviation industry, FAA, and public interest representatives who work together to develop and submit a recommendation that addresses the taskings in the FAA Charter.
 - **Work group:** A temporary group made up with ARC members who are chosen to complete a specific task.

The positions within an ARC are:

- Co-Chair - Industry
- Co-Chair - FAA
- ARC Members – from industry, public interest and advocacy groups
- FAA Representative(s)
- ARM Analyst
- FAA Attorney
- FAA Economist

1.1.6 ARC Meetings

The FAA is not required to publish announcements in the *Federal Register*, prepare meeting minutes, or mandate operational and spending reports. Neither the Department of Transportation (DOT) nor the GSA is required to review ARC charters or file annual reports. All information shared and given to the FAA is subject to the Freedom of Information Act (FOIA). (See Appendix A of Part II of this Manual.)

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CHAPTER 2.0: ARC PROCESS

After the ARC Charter has been issued by the Administrator, the OPR can initiate the ARC.

2.1 SELECTING AND INFORMING MEMBERS

2.1.1 Selecting Members

After the CRD is approved by the Rulemaking Management Council and the Charter is being reviewed and concurred with, the OPR begins to select member organizations. The OPR selects companies/organizations, who then provide a representative to participate in the ARC. If the issue has an international or harmonization element to it, then a representative from a foreign civil aviation authority is asked to be a non-voting member of the ARC. Membership may be limited to specific individuals, specific representatives of companies, or specific organizations that would provide the expertise needed.


The OPR must allow other FAA offices that have a stake in the issue and senior management an opportunity to vet candidates for ARC membership before making final selections. The OPR works with ARM through this process. The OPR then contacts the member organizations to inform them that they have been selected for the ARC and request a nomination for the ARC participant.

Members must have at a minimum:

- Relevant expertise.
- Position with decision-making ability in the organization the member represents.
- Ability to work constructively in a group environment.
- Ability and willingness to commit to long term participation on the committee.

According to a June 18, 2010 memorandum “Lobbyists on Agency Boards and Commissions,” a member must not be a federally registered lobbyist, who is subject to the registration and reporting requirements of the Lobbying Disclosure Act of 1995 (LDA) as amended, 2 U.S.C 1605, at the time of appointment or reappointment to the ARC. For further information see OMB final guidance on appointment of lobbyists to federal board and commissions (76 FR 61756, October 5, 2011.)

When the OPR has finalized the membership list, the OPR selects an industry Co-chair to lead the ARC. The OPR is the owner of the membership list, but provides it to ARM for informational purposes. ARM will keep the membership list with the other official documents for the ARC.

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The FAA may, but is not required to, publish a *Federal Register* notice soliciting ARC members. If the decision is made to seek members through a public notice, the FAA should include membership criteria for the ARC in the notice. This minimizes the possibility of receiving a large number of requests for membership and provides a basis for making objective selections.

2.1.2 Informing Members

Once the charter is signed by the FAA Administrator, the FAA Co-Chair can inform the Industry Co-Chair of his/her selection. The FAA Co-Chair, working with the ARM analyst, develops and sends a letter (Doc# 34330) to the Industry Co-Chair acknowledging his/her selection. The letter should contain:

- The tasking statement.
- A copy of the signed Charter.
- A list of members.

After the Industry Co-Chair receives the letter, the FAA Co-Chair can send an email to the members to inform them of their selection and the start of the ARC. The email should contain:

- Information about the first meeting.
- The signed Charter.
- The membership list.

For roles and responsibilities of each member, refer to Chapter 3.0 *Roles and Responsibilities* of this part.

2.2 EXTENDING OR RENEWING THE CHARTER


In the event an ARC needs more time to complete the tasking, and the OPR agrees, the FAA can extend or renew the existing charter. To determine which one is appropriate, use the following descriptions:

Extend - when the charter is still active. The members of the ARC need more than the allotted time and are not changing the scope of the charter.

Renew - when the charter has expired and/or there is a change in scope. The FAA determines there is a change in scope and/or additional time is needed to complete ARC task(s).

2.2.1 Extend

Step 1: The Industry Co-Chair informs the FAA Co-Chair the ARC needs more time to complete the tasks.

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Step 2: The FAA Co-Chair consults with FAA management. If management agrees, the OPR contacts ARM.

Step 3: The ARM analyst, working with the FAA Co-Chair, will prepare the transmittal memo to the FAA Administrator (Doc # 34332) requesting an extension to the ARC charter. The memo must specify the reason(s) for the extension and the amount of additional time needed to complete the task. Along with the memo, the OPR submits the original charter including a paragraph saying it is being extended and the new expiration date.

Step 4: The ARM analyst will coordinate the memo and the ARC charter for review and concurrence with ARM, AGC-200, AGC-2, AVS-1, ADA, and issuance by AOA. See Part I, *2.4.1 Circulation Folders* for more guidance.

Step 5: Once the FAA Administrator signs the charter, ARM will post the revised charter on the Committee Database website and file the charter with the ARC's records. See Part I, section *2.6 Posting to the Committee Database*, for more guidance.


2.2.2 Renew

Step 1: The FAA Co-Chair consults with FAA management about renewing the ARC charter. If management agrees, the OPR completes and submits a new CRD with the revised charter to the Rulemaking Management Council for approval. See Part I, section *2.3.1 Submitting and Approving the CRD*, for more guidance.

Step 2: After the Rulemaking Management Council approves it, the ARM analyst will prepare the transmittal memo to the FAA Administrator (Doc #32570) requesting a renewal to the ARC charter. The memo must specify the reasons for the change in scope and/or the amount of additional time needed to complete the task. Along with the memo, the OPR submits the revised charter including new tasks and changes in the scope with a paragraph saying it is being renewed and the new date.

Step 3: The ARM analyst will coordinate the memo and the ARC charter for review and concurrence with ARM, AGC-200, AGC-2, AVS-1, ADA, and for issuance by AOA. See Part I, section *2.4.1 Circulation Folders* for more guidance.

Step 4: Once the FAA Administrator signs the charter, ARM will post the charter on the Committee Database website and file the charter with the records for the ARC. See Part I, section *2.6 Posting to the Committee Database*, for more guidance.

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2.3 ARC MEETINGS

In addition to the objectives and scope listed in the ARC charter, the FAA gives direction to the ARC about its workload, specific deadlines, expected deliverables, etc. This direction may be written or verbal. The ARC may not work on issues without FAA direction.

ARC meetings may be held at any location that is reasonable and accessible to the ARC members, and agreed to by the FAA. Locations may include Federal Buildings, hotel conference rooms, or the conference rooms of ARC members.

Meeting minutes are not required, but are recommended. However, it is important that the ARC capture in an appropriate format; the discussions, majority position, minority position, consensus, and if requested, suggested rule text.

FAA personnel, including representatives from the OPR, AGC, ARM, and APO may participate in ARC meetings, but are not considered ARC members.

ARC recommendation report and associated documents may be subject to the Freedom of Information Act (FOIA). (See Appendix A of Part II of this Manual.)

2.3.1 Inviting a Subject Matter Expert to a Meeting

From time to time, the ARC may need information not obtainable from members. As a result, when appropriate the Industry Co-Chair and/or the FAA Co-Chair, may invite persons other than ARC members to speak directly to the ARC, participate in its discussions, and act in a consultant capacity. However, these invited persons are not members of the ARC and may not participate in reaching consensus.

2.4 CREATING A TEMPORARY WORK GROUP

If necessary, the Industry Co-Chair may establish a work group, which is a temporary subgroup within the ARC, to solve individual issues.

A work group:


- Researches an assignment.
- Provides information to the ARC addressing the assigned issue(s).
- Disbands when the assignment is complete.

The Industry Co-Chair:

- Identifies assignments.
- Assigns individual tasks.

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- Reviews and accepts work group assignments and, when completed, disbands the work group.

2.5 DEVELOPING THE RECOMMENDATION REPORT

When preparing recommendations, it is essential that each ARC member understands the recommendation and any supporting documents. The ARC should consider the following Quality Standards for Documents:

- Whether all decisions contained in the document are reasonable, well supported, justified, and appropriate to the problem.
- Whether the recommendation accurately fulfills the direction given by the FAA and whether the recommendation clearly states all opinions.
- Whether or not the document is written in plain language. In a plain language document, readers can:
 - Find what they need,
 - Understand what they find, and
 - Use what they find to meet their needs.


ARCs are not subject to FACA, however the FAA must adhere to APA requirements if the ARC's activities affect a rulemaking project. Depending upon the stage of the rulemaking, the ARC recommendations may be subject to additional requirements in order for the FAA to satisfy the APA.

If the ARC recommendations are the basis for an Advanced Notice of Proposed Rulemaking (ANPRM), Notice of Proposed Rulemaking (NPRM) or Supplemental Notice of Proposed Rulemaking (SNPRM), there are no additional public notice requirements for the recommendation report. The ARC recommendations should, however, be explicitly discussed in the preamble of these documents.

If the ARC is providing recommendations that respond to public comments submitted in response to an ANPRM/NPRM/SNPRM, the FAA must allow the public the opportunity to comment on those recommendations.

- If the FAA receives the ARC recommendations while the comment period is open, the ARM analyst should post the recommendations in the docket.
- If the ARC submits its recommendations after the comment period is closed, the FAA should re-open the comment period to allow for public comment on the recommendations. This will help to avoid inappropriate ex-parte contacts.

Comment periods on ARC recommendations should not be for less than 30 calendar days unless justified. The agency has the option of holding a public meeting on the recommendations in

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addition to the re-opening of the comment period. The OPR should consult with AGC and ARM early in the process to help determine the necessary steps.

2.6 SUBMITTING THE RECOMMENDATION REPORT

When the ARC is ready to submit a recommendation to the FAA, it sends it to the Director of the sponsoring office. After the OPR receives the ARC's recommendation report, the OPR sends a copy to ARM and determines (after consultation with management and other affected lines of business) how they propose to proceed. This includes determining when to release the recommendation report.

2.7 ACKNOWLEDGING THE RECOMMENDATION REPORT

Step 1: The OPR prepares an acknowledgement letter (Doc#33934) thanking the ARC for its efforts and recommendations. The letter is reviewed and concurred with by the OPR and ARM and is signed by the Director of the sponsoring office.


Step 2: After the letter is signed, it is returned to ARM. ARM mails the letter and sends a copy of the signed letter to the OPR.

Step 3: If the OPR decides to proceed with rulemaking, it will develop an Application for Rulemaking and proceed in accordance with the Rulemaking Process. (For more information on the rulemaking process, go to the Rulemaking Process and Work Instructions.)

2.8 POSTING TO THE COMMITTEE DATABASE WEBSITE

The OPR informs ARM when to post the recommendation report for the public on the Committee Database website.

The OPR forwards a copy of the recommendation report with instructions as to when ARM can post the report on the Committee Database website. (In some cases, recommendations will not be made publicly available until after an NPRM or other guidance material has been published.) See Part I, section 2.6 *Posting to the Committee Database Website* for further information.

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CHAPTER 3.0: ROLES AND RESPONSIBILITIES

3.1 OPR/SPONSORING ORGANIZATION

- Develops the ARC charter.
- Selects an FAA Co-Chair and FAA Representatives.
- Selects members for the ARC by consulting with other agency offices that have a stake in the issue and senior management before making the final selections.
- Ensures that agency personnel assigned to the ARC are sufficiently equipped to participate effectively in the ARC.
- Provides relevant background material to the ARC, including relevant petitions for rulemaking and exemption.
- Ensures that ARC recommendations are evaluated and a decision whether or not to take action on them is rendered in a timely manner and with full justification.
- Decides when and if to post the recommendation to the Committee Database website.
- Manages meeting logistics with the ARC Co-Chairs (schedules meetings, obtains conference rooms, takes minutes, etc.).
- If contractor support is required, obtains and manages contracts put in place to support the ARC.

3.2 INDUSTRY CO-CHAIR

- Ensures all ARC members have a clear understanding of the FAA task assignment and schedule completion date.
- Ensures that ground rules are adopted and understood by all ARC members.
- Determines jointly with the FAA Co-Chair and in consultation with other members of the ARC when a meeting is required.
- Schedules ARC tentative meeting dates in advance to reduce work conflicts and maximize participation and balances meeting locations in order to minimize members' costs and schedules.
- Ensures notification to all ARC members of the time and place for each meeting, drafts an agenda, and conducts the meeting.
- Considers all background material relevant to the task, including relevant petitions for rulemaking and exemption.
- Ensures that notes are taken, motions voted and recorded, and all decisions/consensus documented at each meeting.
- Works with the FAA Co-Chair to maintain an optimum group size to provide expertise and industry interest necessary to achieve informed consensus.
- Promotes collaboration and considers all elements contributed by participants.

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- Combines all constructive suggestions/ideas to reach a positive, useful outcome or decision.
- Resolves conflict.

3.3 FAA CO-CHAIR


- Serves as the focal point for all communications between the ARC and the FAA.
- Serves as the FAA’s spokesperson for all ARC activity.
- Shares the “rules of engagement” as well as any other appropriate guidance (e.g., the Anti-Trust Guidelines for Committees, found in Appendix B) with the ARC members at the initial meeting.
- Decides on a case-by-case basis whether petitions for rulemaking and exemptions submitted to the FAA after the ARC has begun its deliberations should be addressed in the final recommendation.
- Participates fully in the discussions and deliberations of the ARC to the extent the FAA is allowed to be considered a part of any ARC consensus that leads to a recommendation to the FAA.
- Works through ARM to obtain economic and legal support, when required.

3.4 ARC MEMBERS

- Contribute their respective aviation knowledge and expertise to tasks assigned to the ARC.
- Ensure their availability to attend ARC meetings.
- Advise the FAA on matters of importance to the aviation industry and traveling public.
- If an ARC member is representing an organization, he/she should coordinate positions within the organization—he/she should not just present his/her thoughts.
- ARC members will not post draft documents on an organization’s website to obtain general input.

3.5 NON-VOTING MEMBERS

- Contribute their respective aviation knowledge and expertise to tasks assigned to the ARC.
- Ensure their availability to attend ARC meetings.
- Advise the FAA on matters of importance to the international aviation industry and traveling public.

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3.6 FAA REPRESENTATIVES


- Participate fully in the discussions and deliberations of the ARC to the extent the FAA is allowed to be considered a part of any ARC consensus that leads to a recommendation to the FAA.
- Contribute their respective aviation knowledge and expertise to tasks assigned to the ARC.
- Ensure their availability to attend ARC meetings.
- Advise the ARC on matters of importance to the FAA in reference to the subject and task.

3.7 THE OFFICE OF RULEMAKING

- Maintains the official Agency ARC records.
- Works with the OPR to secure senior management acceptance of candidates for ARC membership.
- Ensures that ARC charters and recommendations are posted to the Committee Database website in a timely manner and that postings are complete and properly maintained.
- Ensures that ARC progress is properly tracked and critical milestones are documented.

3.8 ARM ANALYST

- Ensures the Council has approved formation of the ARC.
- Assists the OPR with finalizing the charter and ensures the charter contains clearly defined deliverables and a rational schedule.
- Advises the OPR to keep the membership to a minimum number to adequately represent the interest party involved.
- Advises the OPR that it is not necessary to publish a notice in the *Federal Register* requesting membership.
- Ensures the OPR understands it cannot hold an ARC meeting without a charter by the FAA Administrator.
- Ensures the OPR has planned appropriately for contractor support, if needed.
- Attends meetings when possible.
- Participates as an ARC member, when warranted.
- Provides support and advice to the OPR, the FAA Co-Chair and the Industry Co-Chair, as requested. In providing fundamental support and advice to the ARC, the ARM analyst:
 - Ensures the FAA agrees on the basic policy direction before chartering or tasking an ARC. For example, does the FAA want the ARC to recommend a regulatory solution, guidance documents, or something else?
 - Ensures the ARC stays within its charter and any other specific taskings—beware of mission creep.

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- Unless specifically tasked, ensures that ARC recommendations are not in the form of rulemaking documents (such as an NPRM or final rule). It is acceptable for the ARC to include specific rule language and supporting rationale, if requested by the OPR.
- Reminds the ARC and the OPR the ARC’s recommendations are just that—recommendations. The FAA may decide to take action on some, all, or none of the ARC’s recommendations.
- Serves as a conduit to other support offices involved in rulemaking (e.g., APO and AGC) when their expertise is required to answer questions or resolve issues.
- Provides general guidance to the ARC members, as needed, regarding agency rulemaking processes (e.g., ex-parte discussions, disposition of comments, etc.). The ARM analyst should work with the AGC ARC contact as early as possible if specific ex-parte issues or legal questions come up in the ARC.
- Arranges for public meetings or re-opening of comment period (as appropriate) in order to meet APA requirements when the ARC is developing recommendations in response to an FAA-issued ANPRM, NPRM or SNPRM. The ARM analyst should work closely with the AGC ARC contact as early as possible to ensure that APA requirements are met.
- Keeps ARM management up-to-date on ARC developments, such as expected deliverables and any problems that have arisen, as needed.
- At the final ARC meeting, obtains feedback from ARC participants on the committee process using the ARC Feedback form (ARM 001-015-F3) (ARM QMS website).

3.9 THE FAA ATTORNEY


- Participates as an ARC member, when warranted.
- Informs the ARC, through the FAA Co-Chair, of any opinions, concerns, and objections AGC may have regarding the ARC’s activities.
- Works with the ARC to achieve a resolution of any concerns, including legal issues.
- Provides the FAA Co-Chair with a copy of all legal comments and concerns.
- Consults with AGC management, as appropriate, to ensure a unified FAA legal position is presented.

3.10 THE FAA ECONOMIST

- Participates as an ARC member, when warranted.
- Keeps the FAA Co-Chair informed of any opinions, concerns, and objections APO may have regarding the ARC’s activities.
- Meets with the FAA Co-Chair to identify concerns that should be addressed in the ARC’s recommendation document.
- Provides advice on the economic consequences of actions considered by the ARC.
- Provides the FAA Co-Chair with a copy of all economic comments and concerns.

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- Consults with APO management, as appropriate, to ensure a unified FAA economic position is presented.

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CHAPTER 4.0: CONSENSUS

4.1 DEFINITIONS RELATED TO CONSENSUS

Consensus:

- Agreement by all parties that a specific course of action is acceptable.
- Requires debate and deliberation between divergent segments of the aviation industry, the flying public, and the Government.
- Does not mean that “majority rules.” Consensus can be unanimous or near unanimous.

There are different outcomes of consensus, which include:

- Full consensus
- General consensus
- Dissent

Full consensus means all members agree fully in context and principle and fully support the specific course of action.


General consensus means that, although there may be disagreement, the group has heard, recognized, acknowledged, and reconciled the concerns or objections to the general acceptance of the group. Although not every member fully agrees in context and principle, all members support the overall position of the ARC and agree not to object to the proposed recommendation report.

Dissent means a differing in opinions about the specific course of action. There may be times when one, some, or all members do not agree with the recommendation or cannot reach agreement on a recommendation.

4.2 CONSENSUS PROCESS

4.2.1 Determining Consensus

Each ARC should establish a process by which it determines if the ARC has reached consensus. During the first meeting, the ARC determines how to measure consensus; by either voting or polling.

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4.2.2 Documenting Consensus

While consensus is desirable for every phase of the ARC process, it is more important to provide the FAA decision makers with the best information and analysis possible, including differing perspectives. If disagreement occurs in later phases of the rulemaking process, it becomes counterproductive to ARC's objectives and extremely costly to the FAA.

4.2.2.1 Full Consensus

Ensure the recommendation report states every member of the ARC is in full agreement with the recommendation(s).

4.2.2.2 General Consensus

It is important to the FAA to understand both the majority and minority positions. The minority positions should be documented explaining the concern of the recommendation.

4.2.2.3 Dissenting Position

There may be times when member(s) or the entire ARC cannot reach agreement on the recommendation.

If the entire ARC cannot reach agreement on the recommendation, the Industry Co-Chair submits a statement to the Director of the sponsoring office explaining the issues and concerns and why an agreement was not reached.

If a member or members do not concur with one of the recommendations or the entire recommendation report, then this dissenting position is documented in the recommendation report. These members draft the dissenting position for the recommendation report. If a dissenting member presents a written objection, the ARC documents its position relative to the objection with the reason why the ARC chose and retains its position. This documentation of objections and positions offers additional opportunity for meaningful communication among all ARC members in the hopes of attaining consensus. With this exercise, disagreements can often be resolved through compromise.


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Table 4-1
Consensus


If major opposition to the ARC's position still exists...	
The person opposing:	The ARC:
<ul style="list-style-type: none"> • Documents his or her position. • Summarizes his or her understanding of the group's position. • States why he or she believes the opposing position better addresses the issue and submits any necessary documentation to the ARC. 	<ul style="list-style-type: none"> • Documents its position. • Summarizes its understanding of the opposition's position. • States why the ARC believes its position better addresses the issue and why the opposing position should not be accepted. • Submits the documentation to the FAA as part of the ARC's recommendation.

4.2.2.4 Non-voting Member's View

In addition, there may be additional participants at the meeting (e.g., representatives of other aviation authorities) who do not have decision-making privileges as official ARC members. These non-voting members may offer positions differing from the ARC's general consensus. In that case, the ARC should report consensus with a note describing the non-voting member(s) views.


4.2.4 Request For a Facilitator

It may be advantageous to bring in a group facilitator to ensure all avenues of the problem have been explored and investigated. If the ARC wishes to use a facilitator to help reach consensus, the Industry Co-Chair will ask the FAA Co-Chair to arrange for the services of a facilitator.

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CHAPTER 5.0: COMMUNICATIONS AND GUIDELINES

- During the development of ARC recommendations, communication between the FAA staff and ARC members needs to be open and fluid. Communication should be for the purpose of obtaining a thorough understanding of the problem being addressed and gathering information and data in order to thoroughly evaluate the technical implications and cost impact of the action under consideration.
- FAA and DOT policy specifically prohibits providing parties outside the government with the text of rulemaking documents under consideration. However, there may be exceptions if the ARC is tasked to assist the FAA in developing rulemaking documents. APA requirements would continue to apply.
- The FAA can communicate with the public to seek information to resolve questions of substance and provide justification for a proposed action. However, preamble text should not be shared before a rule is published.
- Communications during a comment period are strongly discouraged. Such communications would fall within the ex-parte communications guidelines set forth in DOT Order 2100.2—Policies for Public Contact in Rulemaking. Specifically, FAA staff should avoid contacting ARC members to discuss specifics of a rulemaking. Anyone, including ARC members, who contact the agency for the purpose of discussing a proposal during the comment period, should be advised to submit a written comment to the official docket. An exception to this arises if the FAA chooses to task the ARC to assist the agency in disposing of comments received during the comment period.
- Contacts made after the close of the comment period should be avoided. Minimizing such contact avoids the appearance of improper influence. An exception to this arises if the FAA chooses to task the ARC to assist the agency in dispositioning of comments received during the comment period.


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APPENDIX A TO PART II: FREEDOM OF INFORMATION ACT

Under the Freedom of Information Act (FOIA), the FAA must make records available upon a request that reasonably describes the records and is made in accordance with published rules, unless the records fall within one of the [nine FOIA exemptions](#). Therefore, any ARC information in the custody and control of the FAA is releasable to the public under FOIA unless it falls within one of the nine statutory exemptions.

FAA personnel participating in ARCs must be aware of the type of information in their possession. For example, if manufacturers share sensitive data with the ARC members, FAA personnel may look at and discuss the data during the meeting without the information being subject to a FOIA request. If FAA personnel take possession of the information upon leaving the meeting, then the ARC information is releasable under FOIA. If FAA personnel need data to complete an ARC assignment, they should make sure the data is in a form or format that would be releasable under FOIA. Proprietary data or data in which the identity of the source is sensitive should be marked out or removed before the FAA personnel takes possession of the documents. (See FOIA, 5 U.S.C. §552. Also, see Chapter 1.3 *Proprietary Information* of Part I in this Manual.)

However, at times the FAA may deem it appropriate to exercise its options under FOIA exemption 5 to withhold recommendations, opinion, and analyses under the deliberative process privilege. To allow release of these documents would discourage the open and frank discussions between agency employees and create confusion in those cases where the FAA does not adopt recommendations and opinions. Exemption 5 allows the agency to protect deliberative, pre-decisional materials, such as advisory opinions, and recommendations presented by agency staff while reaching a final determination or position on any particular matter under agency consideration. Typically, the requested ARC documents can be made available to the public after publication of the relevant rule.

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APPENDIX B TO PART II: ANTI-TRUST GUIDELINES FOR COMMITTEES


These guidelines apply to any meeting or gathering of competitors, so they apply at meetings with other trade associations or government representatives; and at gatherings, such as Committee dinners that may follow a meeting. Participants should observe the following guidelines:

Meetings and Gatherings

- Avoid any discussions or conduct that violates antitrust laws or raises an appearance of impropriety.
- At meetings, limit discussions and materials to agenda topics (unless additional topics and materials have been approved by counsel).
- Discontinue the discussion and consult with counsel whenever questions regarding antitrust compliance arise.
- Do not stay at a meeting, or any other gathering, if discussions mentioned below are taking place.


Information

- Do not discuss or share:
 - Any company's confidential or proprietary information.
 - No discussion or agreements, either explicit or implicit, regarding prices of particular products or services of a company.
 - Any company's purchasing plans for particular products or services.
 - Any company's specific merger/divestment plans, market allocation, development plans, inventories and costs (only publicly available information should be discussed or shared).
 - Specific company compliance costs, unless information is publicly available.
 - Information that your company considers to be confidential or sensitive, even if that information does not fit in any other category above.
- No forecasting of prices for goods or services.
- Any discussion regarding potential economic scenarios that may arise must be limited to generalities. There should be no discussion of how individual companies intend to respond to potential economic scenarios or government action.


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Vendors and Products

- There shall be no:
 - Agreement or discussion regarding the purchase or sale of a product or service – purchasing and selling decisions are independent company decisions.
 - Agreement by all companies to use a product/service or that one product/service is preferred.
 - Agreement by all companies not to use a product/service or that one product/service is not preferred.
- Individual companies may share fact-based experiences but should not make explicit recommendations for or denunciations of a vendor at meetings.
- All discussions related to vendor products and services must be grounded in facts.
- Do not make disparaging remarks about vendors.
- Do not make subjective comments if there is no factual basis.
- You may share information based on facts.


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PART III: AVIATION RULEMAKING ADVISORY COMMITTEE (ARAC)

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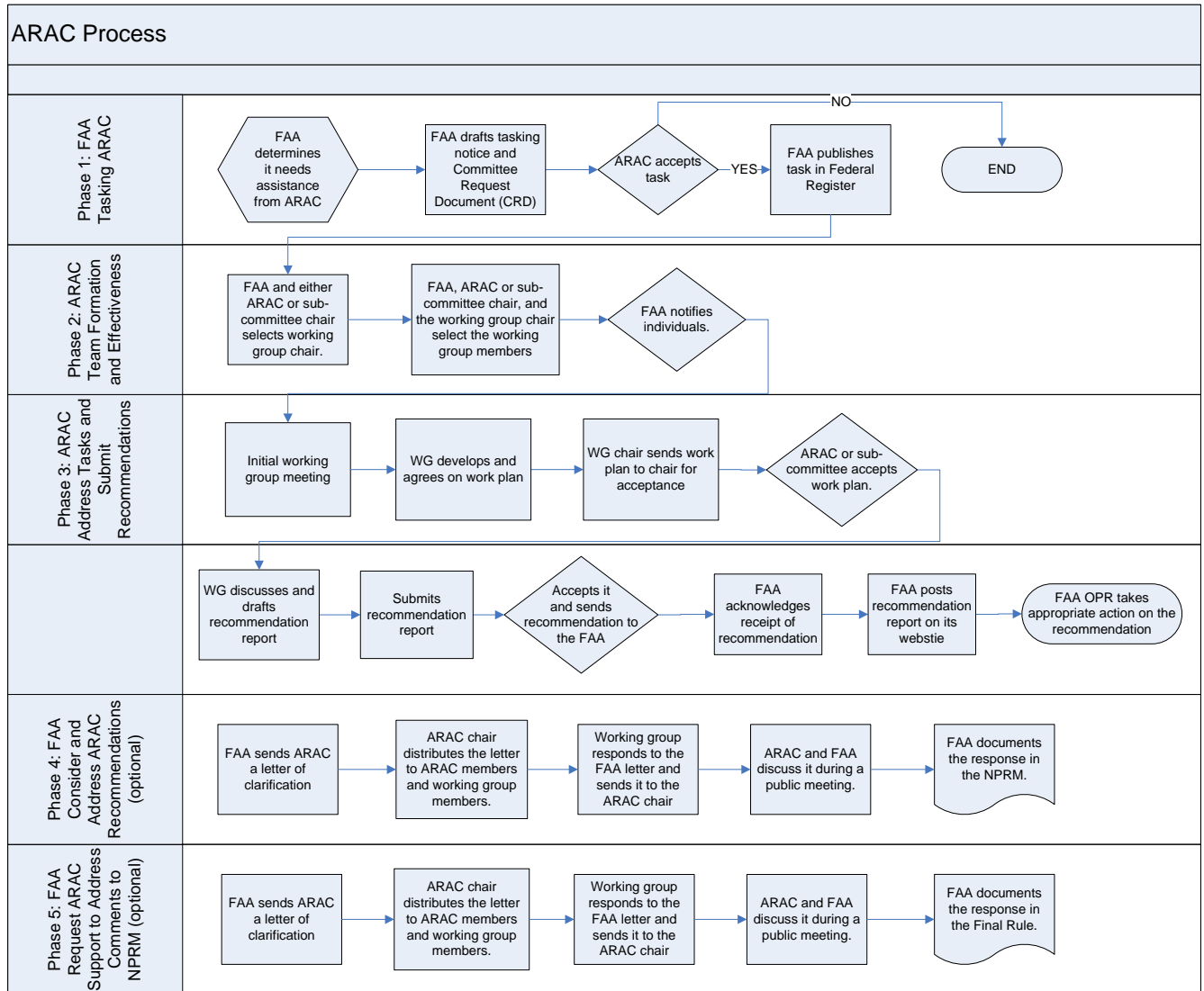
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ARAC PROCESS FLOWCHART



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CHAPTER 1.0: GENERAL INFORMATION

1.1 OVERVIEW OF ARAC

1.1.1 History of ARAC

In 1990, the Secretary of the DOT and the FAA Administrator created a Departmental Task Force on FAA Reform to recommend improvements in operations within the FAA and between the FAA and the Office of the Secretary. The Secretary directed a subgroup of the Task Force to recommend changes that would improve the process of developing safety-related rulemakings. That subgroup proposed the establishment of an advisory committee to serve as a forum for the FAA to obtain input from the aviation industry on major regulatory issues. The Administrator established ARAC, under the auspice of FACA, for this purpose on February 15, 1991.

1.1.1.1 FACA

FACA (5 U.S.C., Appendix 2) governs ARAC's activities.

FACA states that:

- Unless specified by a law or presidential directive, advisory committees must be used solely for advisory functions,
- Standards and uniform procedures should govern the advisory committee's establishment, operation, administration, and duration, and
- Congress and the public must be kept informed of the advisory committee's purpose, membership, activities, and cost.

FACA also includes requirements on advisory committee procedures, meetings, publication of notices in the *Federal Register*, annual reports, federal officer or employee attendance, and recordkeeping requirements.


FACA requires the FAA to review the ARAC charter every 2 years to determine the need to continue ARAC. The Secretary of Transportation and the GSA must approve each new ARAC charter.

Appendix A of this part, in this Manual, discusses FACA requirements as they relate to ARAC meetings.

1.1.2 Definition of ARAC

ARAC is a formal standing advisory committee made up of representatives from:

- Aviation associations,

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- Aviation industry,
- Public interest groups (to include non-profit organizations),
- Advocacy groups, and
- Interested members of the aviation community.

The FAA Administrator is the sponsor of ARAC. ARAC reports to the FAA Administrator, through Associate Administrator for Aviation Safety (AVS-1), with information, advice, and recommendations related to aviation issues.

The FAA has the sole authority to task the ARAC. This allows the FAA to work with industry and the public to improve the development of the FAA’s regulations.

1.1.3 ARAC Objectives

ARAC’s objectives are to:


- Improve development of the FAA’s regulations by involving interested members of the aviation community early in the development stage.
- Avoid placing unnecessary burdens on the public by providing the FAA with sufficient technical and economic information to develop well-reasoned regulatory and guidance material.
- Include the regulated industry’s concerns and opinions in certain documents to reduce the probability of receiving non-supportive public comments when a document is published.
- Exchange ideas through the ARAC process, which gives the FAA additional opportunities to obtain firsthand information and insight from those parties most affected by existing and proposed regulations.

1.1.4 ARAC Membership

The FAA limits ARAC membership to those organizations that have a substantial interest in or will be substantially affected by ARAC’s taskings and recommendations. The designated organizations provide balanced membership in terms of knowledge, expertise, and points of view relative to the ARAC’s tasks. In making its selections, the FAA keeps in mind that ARAC membership should represent a broad cross-section of the aviation industry, as well as the public. The FAA selects organizations to serve on the ARAC to ensure the membership is fairly balanced in terms of the points of view of those represented, and functions to be performed by the ARAC.

As the taskings change, the FAA may add member organizations if an organization’s interests are not represented or may remove a member organization if the organization no longer has a substantial interest.

The FAA also invites organizations with a limited interest in the ARAC’s work to participate as observers when the ARAC considers matters concerning their areas of interest. Furthermore, an

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organization that is not an ARAC member may participate at the subcommittee and working group levels on a task that is of specific interest to that organization.

ARAC member organizations are selected by AVS-1. The members represent parties directly and indirectly impacted by FAA regulations.

Member organizations nominate, and AVS-1 designates, ARAC member representatives who: (1) hold appropriate authority in the designated organization to speak for it and the community or industry represented; and (2) provide a balance in points of view regarding the functions; and tasks to be performed by the ARAC.

According to a June 18, 2010 memorandum “Lobbyists on Agency Boards and Commissions,” a member must not be a federally registered lobbyist, who is subject to the registration and reporting requirements of the Lobbying Disclosure Act of 1995 (LDA) as amended, 2 U.S.C 1605, at the time of appointment or reappointment to the ARAC. For further information see OMB final guidance on appoint of lobbyists to federal board and commissions (76 FR 61756, October 5, 2011.)


AVS-1 also designates the ARAC Chair and the Vice Chair, who serve 2-year terms, unless stated otherwise. Normally, the Vice Chair succeeds the Chair.

The members cover a broad spectrum of aviation interests that relate to:

- Aircraft owners and operators
- Airmen and flight crewmembers
- Airports
- Maintenance providers
- Manufacturers
- Public citizen and passenger groups
- Training providers


If an organization is interested in becoming an ARAC member and believes the interests of that organization are not represented by the current membership, the organization must petition the ARAC designated federal officer (DFO) to become a member. The petition must:

- Indicate a desire to become an ARAC member,
- Explain why the organization believes its interests are not represented by the current membership, and
- Describe the expertise the organization would bring to the ARAC to enrich the ARAC process.

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The ARAC DFO reviews the petition and notifies the organization whether the petition has been granted or denied. Requests to become a member should be mailed to:

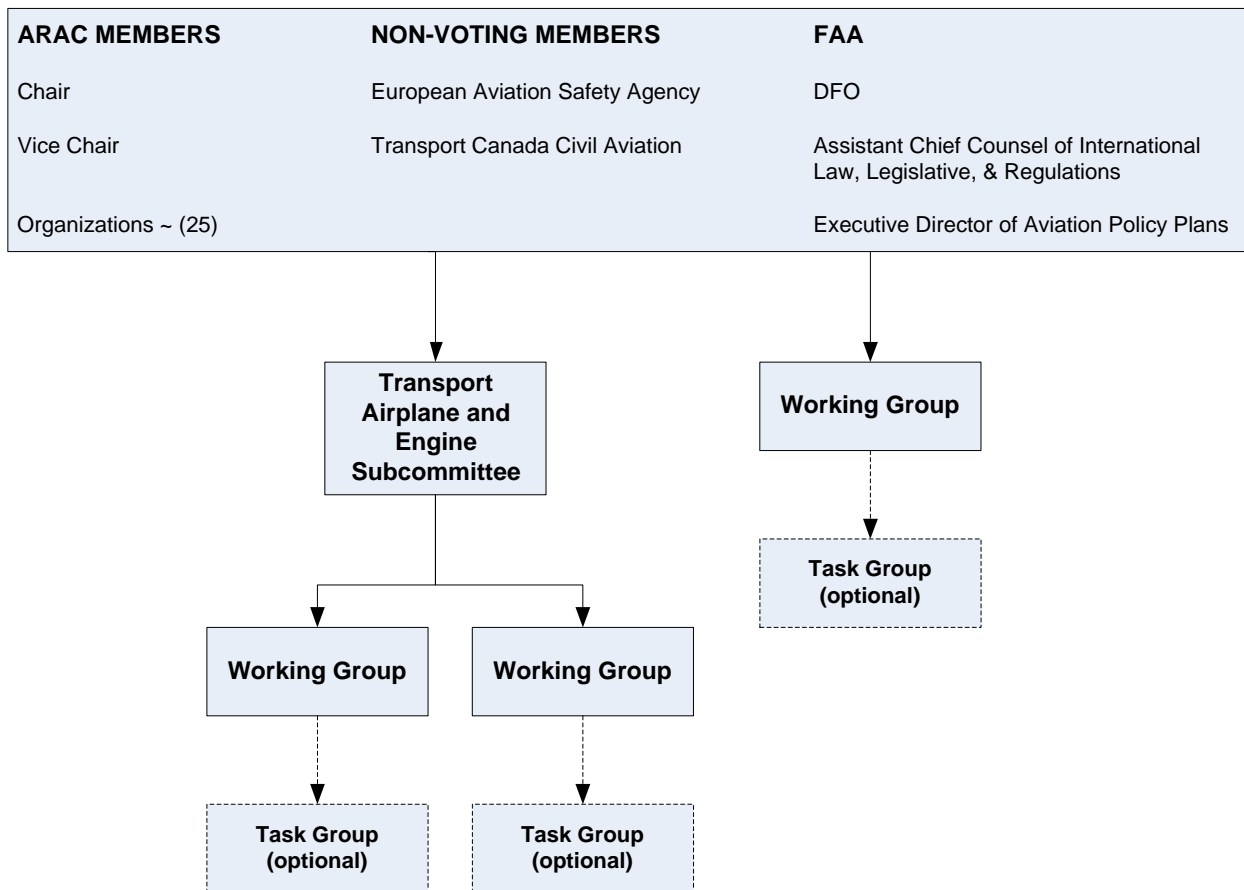
Federal Aviation Administration
Director, Office of Rulemaking
800 Independence Avenue S.W.
Washington, DC 20591

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1.1.5 ARAC Organization

The following table describes the structure of the ARAC.

Table 1-1
ARAC Structure



- **ARAC:** A group of aviation industry, FAA, and public interest representatives. They oversee the administration of all subcommittee and working group activities. (See Chapter 2.0 *ARAC Process* of this part for further information.)
 - **Subcommittee:** Consists of individuals with technical expertise in a specific subject area. The FAA assigns tasks that relate specifically to the subject area. The subcommittee may form a working group to perform a specific task. (See section 2.1 *Phase 1: FAA Tasks ARAC* of this part for further information.)

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- **Working group:** Consists of individuals who volunteer and are chosen to complete a specific task. Working groups are *ad hoc* and therefore temporary in nature. They are used to address a specific task and are dissolved upon completion of the assignment. The ARAC or Subcommittee Chairperson, in coordination with the DFO or FAA Representative, may designate working groups, determine the issues they are to address, and determine the length of their existence. (See section 2.2 *Phase 2: Working Group Formation and Effectives* of this part for further information.)
 - **Task group:** Consists of members of the working group who are chosen to complete a specific task for the working group. Task groups are temporary. (See section 2.2 *Phase 2: Working Group Formation and Effectives* of this part for further information.)

The members of the ARAC provide the overall administrative oversight of ARAC activities. The positions within the ARAC are:


- Chair,
- Vice Chair,
- DFO (Director of the Office of Rulemaking),
- Subcommittee Chair(s),
- Representatives from the member organizations,
- Representatives from public interest and advocacy groups,
- Representatives from foreign civil aviation authorities,
- Executive Director of the Office of Aviation Policy and Plans, and
- Assistant Chief Counsel of International Law, Legislative, and Regulations.

The ARAC Chair leads all ARAC activities. If the ARAC Chair is not present, the Vice Chair acts and participates as the Chair.

1.1.6 ARAC Meetings

Procedures have been established that meet the FACA, Department of Transportation Committee Management Order 1120.30B, and Government procedures on meetings and teleconference requirements. A detailed discussion of meeting procedures according to FACA and FAA policy can be found in this part, Appendices A, B, and C to this Manual.

The ARAC will meet approximately four times a year, to manage administrative issues, approve final advice and recommendations, and to address subcommittee and working group assignments.

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All ARAC (and subcommittee) meetings will be open to the public, except as provided under Section 10(d) of FACA, as implemented by 41 CFR § 101-6.10, the Government in the Sunshine Act (5 U.S.C. § 522b(c)), 41 CFR Part 102-3, and Department of Transportation (DOT) Order 1120.3B.


The FAA requires subcommittees to keep detailed minutes, as required for ARAC by FACA. Minutes should contain an accurate description of each matter discussed and the resolution, if any, made by the group. The minutes will be used to review past deliberations on an issue if it resurfaces. (See 5 U.S.C. § 10(c) of FACA.)

Working group and task group meetings will not be open to the public but non-working group members may attend by invitation. The working group and task groups should keep minutes, but this is not required by FACA.

Public participation may be considered in determining when and where an ARAC (or subcommittee) meeting will take place.

Members of the public may attend any meeting or portion of a meeting and may, at the determination of the ARAC Chair, offer oral comment. The ARAC Chair may decide in advance to exclude oral public comment during a meeting, in which case the meeting announcement published in the *Federal Register* will note that oral comment from the public is excluded and will invite written comment as an alternative. Members of the public may submit written statements to the ARAC through the DFO at any time.

All materials brought before, or presented to, the ARAC during the conduct of a meeting, including the minutes of the proceedings of a meeting, will be available to the public for review or copying at the time of the scheduled meeting.

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CHAPTER 2.0: ARAC PROCESS

The ARAC process is divided into the following:

[Phase 1: FAA Tasks the ARAC](#)

[Phase 2: Working Group Formation and Effectiveness](#)

[Phase 3: Working Group Addresses Tasks and Submit Recommendations](#)

[Phase 4: FAA Requests Clarification of ARAC Recommendations \(optional\)](#)

[Phase 5: FAA Requests ARAC Support to Address Comments to NPRM \(optional\)](#)

2.1 PHASE 1: FAA TASKS THE ARAC

As discussed in Part I of this Manual, the OPR creates a tasking notice and submits it to the Rulemaking Management Council for approval. Once approved, the DFO sends the draft tasking notice to the ARAC for approval and acceptance.

The ARAC may only undertake tasks approved by the FAA and published in the *Federal Register*. The ARAC cannot modify the task without prior FAA approval. The ARAC may recommend new tasks to the FAA; however, only tasks approved and assigned by the FAA and published in the *Federal Register* may be undertaken by the ARAC. The ARAC Chair or Subcommittee Chair may negotiate the schedule with the FAA, if he or she determines the FAA-imposed deadline cannot be met.


Step 1: The ARM-20 Council Coordinator sends the tasking notice to the ARAC members and non-voting members. The ARAC members review the task statement prior to the public meeting.

Step 2: During the public meeting, the members resolve any questions about the scope, content and schedule for the task. The members:

- Comment on the task and redefine or clarify it, as necessary.
- Request clarification on or modifications to the task, if necessary, before deciding to accept the task.
- Advise the FAA of any suggested changes to the task.
- If the ARAC asks for revisions to a tasking, but does not ask to change the scope, the revised tasking notice does not have to go through Rulemaking Management Council for re-approval.

Step 3: After the issues are resolved, if any, the ARAC Chair asks the members to:

- Reach consensus on whether to accept the task.
- Decide if the task should be assigned to an ARAC or subcommittee working group.

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- If assigned to a subcommittee:
 - The subcommittee members review the tasking statement and resolve any questions about the scope, content, and schedule for the task.
 - The Subcommittee Chair assigns the task to a working group.

2.1.1 Subcommittee Description

Within ARAC, a subcommittee consists of a group of ARAC members with specific technical expertise in a specific subject area. ARAC assigns tasks that relate specifically to the subject area.

The Subcommittee Chair and an FAA Representative lead each subcommittee. A subcommittee does not work independently of ARAC; it provides all of its recommendations and advice to ARAC for deliberation, discussion and approval. The subcommittee’s meetings are conducted in the same manner as an ARAC meeting.

The Subcommittee Chair reports status updates about the subcommittee activities to the ARAC Chair during the ARAC public meeting.


2.1.2 Establishing a Subcommittee

ARAC, in consultation with FAA, may create subcommittees to address a specific technology or segment of the aviation industry. The subcommittee is established when the FAA determines that multiple tasks needing the same technical or industry expertise will be assigned to the ARAC. Subcommittee membership shall be established by the ARAC Chair, in consultation with the ARAC members and the DFO.

2.1.3 Accepting and Announcing a Task

If ARAC accepts the task, the FAA publishes the tasking notice in the *Federal Register* that:

- Announces the FAA’s decision to task ARAC.
- Explains the task.
- Assigns the task to either an ARAC working group or a subcommittee working group.
- Solicits participation for the working group.
- Establishes a time commitment for working group members, usually one-year.

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2.2 PHASE 2: WORKING GROUP FORMATION AND EFFECTIVENESS

2.2.1 Working Group Description

A working group is a group of individuals from the public who responded to the *Federal Register* notice and are selected to complete a specific task.

A working group includes:

- The Working Group Chair,
- An FAA Representative,
- An ARM analyst,
- Individuals from ARAC member and non-member organizations, and
- Interested individuals from the general public.

2.2.2 Selecting A Working Group Chair

After the FAA receives responses to the public tasking notice, the FAA:


- Sends copies of the responses to the ARAC Chair or Subcommittee Chair and the FAA Representative for review and consideration.
- Meets with the ARAC Chair or Subcommittee Chair to discuss and select the Working Group Chair.

A Working Group Chair is selected using the following criteria:

- Is an individual from an ARAC member or non-member organization, or a member of the interested public who responded to the *Federal Register* notice.
- Possesses technical expertise in the specific task area.
- Is capable of organizing and leading the working group.
- Possesses good skills at conducting meetings and facilitation.
- Has a balanced perspective on the issue(s).
- Is available to meet the duties and responsibilities of the position.

The Working Group Chair provides administrative oversight of the working group. He or she leads the working group in developing the work plan and the recommendation report. At each public meeting, the Working Group Chair is responsible for providing status updates on the working group's progress.

The FAA informs the Working Group Chair of the selection.

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2.2.3 Selecting Working Group Members

The ARAC Chair or the Subcommittee Chair, the FAA, and the Working Group Chair review the list of remaining individuals who responded to the *Federal Register* notice. They select and appoint qualified individuals from the list. They may directly contact individuals who possess particular expertise to invite them to participate in the working group. They should ensure the working group has a balanced membership in the representation of interests. The size of the working group will vary with each task and should be determined by the complexity of the task and the number of people that volunteered. A manageable working group size is considered to be 10 to 12 members.

Each working group member should be selected based on his or her:

- Technical expertise in the task area.
- Range of perspective.
- Ability to effectively represent their constituent group.
- Availability to participate fully in the working group activities.


In addition, a working group:

- Should include a diverse and balanced representation of the aviation industry capable of providing a thorough examination of the issues that will need to be addressed in order to complete the assigned task.
- May include representatives of any of the ARAC member organizations.

2.2.4 Acknowledging Individuals Who Responded To The Tasking Notice

Once the working group has been selected:

- The FAA Representative, working with the ARM analyst, notifies each individual of his or her selection or non-selection to the working group.
- The DFO emails the official list of the names and addresses of the working group members to the ARAC Chair or the Subcommittee Chair.
- The FAA Representative and the ARM analyst works with the Working Group Chair to schedule the first meeting as soon as possible after selection and notification of the working group members.

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2.2.5 Adding a Working Group Member

After the working group has been established, new members may be added using the following steps.

Step 1: An interested person petitions the FAA:

- Indicating a desire to participate in a working group.
- Describing the expertise he or she would bring to the working group.

Step 2: The Working Group Chair, the FAA, and either the ARAC Chair or the Subcommittee Chair:

- Determine the balance of expertise on the working group.
- Assess whether that person should be added to the working group.

Step 3: The FAA responds to the interested person by a letter indicating acceptance or denial of membership.

Step 4: When a new member is added to the working group, the new member is expected to cooperate in restricting his or her participation to only those items open for discussion and avoid discussing items previously agreed on and closed out by the working group.


Note: If a working group member leaves the working group, a replacement may be added from the same organization as the exiting member without submitting a letter. The Working Group Chair approves the replacement.

2.2.6 Inviting Subject Matter Experts To a Working Group Meeting

From time to time, working groups may need information not obtainable from working group members. As a result, when appropriate and with the approval of the Working Group Chair, a working group member may invite persons other than working group members to speak directly to a working group, participate in its discussions, and act in a consultant capacity. However, these invited persons are not members of the working group and may not participate in reaching consensus.

2.2.7 Request To Contact Existing Working Groups

The working group may need to consult with an existing working group depending on the subject of the task. In this case, the Working Group Chair contacts either the ARAC Chair or the Subcommittee Chair with specifics of the request and asks for permission to contact the requested working group. The ARAC or Subcommittee Chair informs the Working Group Chair of the request and provides the specifics. If the requested Working Group Chair agrees, both Working Group Chairs engage in communication.

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2.3 PHASE 3: WORKING GROUP ADDRESSES TASKS AND SUBMITS RECOMMENDATIONS

2.3.1 First Meeting and Work Plan Development

2.3.1.1 Planning the initial working group meeting

After the Working Group Chair and members are selected, the Working Group Chair:

- Establishes the date, time, and location of the initial face-to-face working group meeting.
- Contacts the ARM analyst or Directorate technical writer/editor to provide the date, time, and location of the initial working group meeting.
- Notifies the working group members, by email of the date, time, and location of the initial face-to-face working group meeting.

2.3.1.2 Conducting the initial working group meeting

During the meeting, the ARM analyst:


- Explains the ARAC process and what happens once the recommendation is submitted.
- Reviews general rulemaking information, including that the working group may not perform negotiated rulemaking.
- Explains duties, responsibilities, and requirements of the Working Group Chair and the working group members.

During the meeting, the FAA Representative:

- Briefs the working group on the task assignment, including discussing the questions posed in the task to ensure the working group understands the issues. This briefing must include the task assignment from the FAA's perspective and any additional background or information that would be helpful.
- Provides the working group with the regulatory history of the task.
- Briefs the working group about the advisory material process and/or harmonization, if necessary.

At the end of the FAA Representative's briefing, the working group members should have a clear understanding of what the FAA is looking for from the tasking.

The FAA legal and economic representatives may be invited to participate in the initial or subsequent meetings, if the assessment of legal or economic implications will be part of the working group's tasking.

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During the meeting, the Working Group Chair:

- Leads the working group in developing the work plan.
- Discusses with the members the use of online meetings and document tools.
- Discusses the role of alternates. It is up to the working group to decide the role of alternates. If a working group member cannot attend a meeting, there are a couple of options:
 - The working group member can send somebody on their behalf. This alternate cannot make decisions or vote.
 - The working member does not send anybody.

At the end of the first meeting, the Working Group Chair asks the members to reaffirm commitment to the working group based on the description of the task and the draft of the work plan.

2.3.2 Beginning the Tasking

The working group:

- Develops the work plan.
- Breaks down the tasking statement into composite issues.
- Addresses the individual issues separately.
- Explores all options.
- Identifies who will be affected by any recommendations.
- Addresses any concerns of the affected individuals.
- Agrees to the use of online meetings and document tools.
- Recommits to full participation to the working group based on the description of the task and the draft of the work plan.
- Agrees to keep their management/constituents involved throughout the process.


2.3.2.1 Gathering information to create the working group schedule

A working group schedule:

- Is in the work plan.
- Contains the working group's goals and milestones.
- Helps the working group assess its progress.
- Allows for completion of the task by the FAA-imposed deadline.

When developing the schedule, the working group considers:

- The availability of its members.
- The frequency, duration, and location of meetings.
- The milestone due dates.
- The project flow, critical paths, and unavoidables.
- A realistic time to accomplish assignments and milestones.

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2.3.3 Work Plan Development

A work plan describes the method the working group will use to complete an assigned task. It contains the specific details, including:

- The task statement.
- The issues to be resolved.
- Individual task group assignments.
- A schedule.
- Common ground rules by which the working group will function.
- The use of online meetings and document tools.
- Format of the recommendation report.

The working group should use the work plan template (Doc#32947) as a guide. The ARM analyst will provide the template to the working group.

During the development of the work plan, the FAA Representative ensures the working group has all relevant background material. Both the FAA Representative and the ARM analyst advise the working group throughout the development of the work plan.

All working group members should have a thorough understanding of the task to proceed. If the tasking is not clear to the working group, the Working Group Chair contacts either the ARAC Chair or the Subcommittee Chair and requests resolution of any questions.


When the work plan is final, the Working Group Chair asks the members to reach consensus on whether to accept and submit the work plan.

Note: A working group may not modify a task statement. Only the FAA may make changes to a task statement. If the FAA approves a task modification, the composition of the working group may have to change to include additional individuals with appropriate expertise for the new task. The modification must be published in the *Federal Register*.

2.3.3.1 Submitting the Work Plan for Acceptance

After the working group finalizes the work plan, the Working Group Chair emails it to the ARAC Chair or the Subcommittee Chair for acceptance.

The ARAC Chair or Subcommittee Chair decides how to conduct the discussion of the work plan: public meeting, email, or teleconference. The ARAC Chair or the Subcommittee Chair then emails the work plan to the members with a specified review period, typically one week.

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2.3.3.2 Work Plan Acceptance

To accept a working group's work plan, the ARAC or the Subcommittee members:

Step 1: Review the work plan.

Step 2: Discuss the work plan.

Step 3: Deliberate to reach consensus on whether to accept the work plan or to task the working group with revising the work plan for resubmission. The ARAC Chair or the Subcommittee Chair oversees discussions on the work plan review to reach consensus on whether to accept the working group's work plan.

Step 4: The ARAC Chair or the Subcommittee Chair asks the members to officially accept the work plan. For the subcommittee, once the subcommittee has accepted the work plan, the Subcommittee Chair sends the work plan to the ARAC Chair for informational purposes only.

The ARAC Chair or the Subcommittee Chair emails the concurrence or nonoccurrence with the work plan to the Working Group Chair. The email should document the ARAC or subcommittee's reasons for accepting or not accepting the work plan.

If a work plan is not accepted, the working group:

- Addresses any objections.
- Adjusts the work plan for resubmission.
- Resubmits the work plan to either ARAC or the subcommittee for approval within the established timeframe.

Step 5: The ARAC Chair or the Subcommittee Chair informs the Working Group Chair of the acceptance of the work plan.

With this acceptance, the working group is assured that:


- The methodology planned is consistent with the desires of ARAC.
- The work done will end in a recommendation to ARAC that addresses the assigned task.

2.3.3.4 Forming a task group

If necessary, the Working Group Chair may establish a task group, which is a temporary subgroup within the working group, to solve individual issues.

A task group:

- Researches the assignment.
- Provides a report to the working group.
- Disbands when all assignments are complete.

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The Working Group Chair:

- Identifies assignments.
- Assigns individual tasks.
- Records assignments in the work plan.
- Reviews and accepts task group assignments.
- Disbands the task group.

2.3.3.5 Subsequent Meetings

Throughout the duration of the task, the working group should:

- Adhere to the schedule in the work plan.
- Keep in mind that consensus is recommended, but not required.
- Document both majority and minority positions.

2.3.3 Recommendation Report


2.3.3.1 Components of the recommendation report

A recommendation report (Doc # 34333) describes the outcome of the research and analysis for the tasking. It contains the specific details, including:

- Summary
- Background information
- Research information
- Identify any issues as a result
- Consensus, including majority and minority opinions
- Recommendations

The working group members meet to discuss and draft the recommendation report. The working group should ensure to:

- Research and analyze information they have collected.
- Identify any discussions to include in the recommendation report.
- Assemble documentation of its decisions.
- Document in the report both the majority and minority positions on the recommendation, including areas in which the working group is unable to reach consensus.
- Any draft documents the FAA Representative distributes for review should be marked “DRAFT WORKING MATERIAL—NOT FOR PUBLIC RELEASE.”

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During the drafting of the recommendation report:

- The FAA Representative and the ARM analyst, as appropriate, should assist the working group during discussions and deliberations to provide technical or process guidance.
- The ARM analyst should ensure the working group answers the tasking questions, and if there is no consensus, reminds the working group to document both the majority and minority positions.
- The FAA Representative advises the working group on the FAA's position.
- If the working group is considering recommendations the FAA may not accept, the FAA Representative should inform them and explain why those positions would not likely be supported. This explanation should be included in the final report.

The working group should reach consensus on the final recommendation report. The working group members ensure they:

- Follow the schedule.
- Respond to all the questions from the tasking.
- Document both the majority and minority positions in the report, if consensus was not achieved.
- Review the report with their management.

2.3.3.2 Finalizing the recommendation report

After the working group finalizes and reaches consensus on the recommendation report, the Working Group Chair ensures:


- The schedule was followed.
- All the questions from the tasking were addressed.
- Majority and minority positions are documented in the report, if consensus was not reached.
- Each working group member reviewed the final report with their management.

The Working Group Chair then asks the working group to officially accept the recommendation report.

2.3.3.3 Submitting the recommendation report

After the working group accepts the recommendation report, the Working Group Chair:

- Contacts the ARAC Chair and the Subcommittee Chair, if appropriate, and secures time on the next public meeting agenda to present the recommendation report.
- Provides the ARAC Chair and the Subcommittee Chair, if appropriate, with the recommendation report for distribution to all ARAC and subcommittee members for review at least two weeks before the meeting, when possible.

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If the working group reports to a subcommittee, the subcommittee must review and approve the recommendation report before it can be submitted to the ARAC for final approval. Only the ARAC can officially accept the recommendation report and submit it to the FAA.

2.3.4 Recommendation Report Acceptance

To accept a working group's recommendation report:

Step 1: The ARAC Chair schedules the working group's recommendation report on the ARAC's next public meeting agenda. Typically, the ARAC Chair or the Subcommittee Chair receives the recommendation report at least three weeks before the meeting.

Step 2: The ARAC Chair emails the recommendation report to the ARM-20 Council Coordinator to be included in the distribution package for the ARAC members. It is recommended the ARAC or subcommittee members receive the recommendation report electronically at least two weeks before the meeting.

Prior to the public meeting, the ARAC or subcommittee members and non-voting members:

- Review the recommendation report to ensure:
 - The schedule was met.
 - Each question from the tasking was addressed.
 - Both the majority and minority positions are included in the report, since consensus is preferred but not mandatory.


During the public meeting:

Step 1: The Working Group Chair or the Subcommittee Chair presents the working group's recommendation report to the ARAC for acceptance. The Working Group Chair or the Subcommittee Chair answers questions from the ARAC and/or subcommittee members and any interested members of the public.

Step 2: The ARAC members and non-voting members deliberate and reach consensus on the recommendation report. The members can submit the report to the FAA documenting both the majority and minority positions.

If the ARAC raises issues during its deliberations, the report is returned to the working group for appropriate action. The working group is then required to resubmit the report once the issues are addressed.

Step 3: The ARAC Chair asks the members to officially accept the working group's recommendation.

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2.3.4.1 Recommendation Report Submittal to the FAA

After the ARAC reaches consensus and accepts the working group's recommendation report, the ARAC Chair prepares and sends a transmittal letter to the DFO that accompanies the recommendation report. The ARAC Chair also provides an electronic copy of the letter and the report to the ARM-20 Council Coordinator and the ARM analyst assigned to the working group.

2.3.5 FAA Action

After the FAA receives a recommendation report from ARAC, ARM:

- Prepares a letter acknowledging receipt of the recommendation report for signature by the Director of the Office of Rulemaking. This letter informs the ARAC of the FAA's intended course of action on the recommendation report. ARM prepares and sends the letter within 90 calendar days of receiving the recommendation report. The FAA Representative also receives a copy of the letter.
- Posts the recommendation report to its Committee Database website within 3 calendar weeks of receiving the report.
- Processes the recommendation report.


2.4 PHASE 4: FAA REQUESTS CLARIFICATION OF ARAC RECOMMENDATIONS (OPTIONAL)

If the FAA has questions or concerns with the recommendations when developing the NPRM, the following phase is enacted. This phase is optional.

After the FAA acknowledges receipt of the recommendation report, the FAA reviews and discusses the next steps. If the working group recommended rulemaking and the FAA agrees that is the right course of action, the FAA rulemaking team reviews the recommendation report and considers each recommendation when drafting an NPRM.

2.4.1 Requesting Clarification

During the development of an NPRM, if the FAA rulemaking team has questions or concerns about any of the recommendations, it can request clarification from the ARAC working group. To request clarification, the FAA rulemaking team lead sends a letter to the ARAC Chair, through the DFO, requesting clarification from the ARAC working group. The DFO officially submits it to the ARAC through the ARAC Chair. Both the FAA Representative and the ARM analyst may be involved during the working group response, if requested.

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The letter of clarification should:

- Identify the issue.
- Summarize the information (if any) the working group has already provided on the issue.
- State why the FAA team has concerns with this information or why it is insufficient.
- Ask additional specific questions that will enable the working group to respond with the needed information.

Step 1: The FAA rulemaking team lead submits a letter of clarification to the ARAC, through the DFO.

Step 2: The DFO officially sends the letter requesting clarification to the ARAC Chair.

Step 3: The ARAC Chair sends the FAA’s letter requesting clarification to the Working Group Chair and to the ARAC members.

Step 4: The Working Group Chair distributes the letter requesting clarification to the working group members for review.

Step 5: The Working Group Chair schedules a meeting for the working group, including the FAA Representative and the ARM analyst, to review and discuss the letter.

Step 6: The working group documents the response for the FAA.

Step 7: The Working Group Chair sends the response electronically to the ARAC Chair.

2.4.2 ARAC Response to FAA Request of Clarification

Once the working group has documented a response, the response is discussed during a public meeting. The ARAC Chair:

Step 1: Receives and emails the working group response to the ARAC members.

Step 2: Schedules the working group’s response for discussion at the ARAC’s next public meeting.


Step 3: Requests each ARAC member and non-voting member review the response before it is discussed during the public meeting.

Step 4: Ensures the response is discussed and deliberated during the public meeting. The Working Group Chair should attend the ARAC public meeting to address issues and concerns raised during the meeting.

Step 5: The ARAC Chair asks the members to officially accept the working group response to the FAA request.

Step 6: The ARAC Chair submits the response to the FAA.

Based on the discussion during the ARAC meeting, the FAA documents in the preamble of the NPRM the ARAC recommendations, including any ARAC response to an FAA request for clarification. If the FAA agrees with the recommendations, the FAA can reference the ARAC recommendation report. However, if the FAA opposes any portions of the ARAC

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recommendations, the FAA should provide rationale for its decision not to adopt recommendations.

2.5 PHASE 5: FAA REQUESTS ARAC SUPPORT TO ADDRESS COMMENTS TO NPRM (OPTIONAL)

After the comment period closes for the NPRM, the FAA might have questions or concerns about public comments that are in reference to the ARAC working group recommendations. If this is the case, the following phase may be enacted.

This phase is optional and should be used sparingly. Once the NPRM publishes and the comment period closes the FAA rulemaking team dispositions the comments received. During this review, the FAA rulemaking team may identify issues raised by the commenters for which input from the ARAC working group would be helpful in developing an appropriate response.

2.5.1 Requesting ARAC Support


If the FAA rulemaking team wants support from the ARAC working group to address comments to the NPRM, the FAA rulemaking lead sends a letter to the ARAC Chair, through the DFO, identifying the issues and concerns, referencing the comment(s), and posing specific questions to the ARAC working group.

The letter requesting support should:

- Identify the issue.
- Summarize the information (if any) the working group has already provided on the issue.
- State why the FAA team has insufficient information to address comment(s) received on the issue(s).
- Ask additional specific questions that will enable the working group to respond with the needed information.

The working group will discuss and provide a response to the ARAC Chair prior to the public meeting. The questions and concerns from the FAA rulemaking team and the working group's response will be discussed and addressed during the ARAC public meeting.

It is important to note that communication during a comment period would properly fall within the ex-parte communications guidelines set forth in DOT Order 2100.2—Policies for Public Contact in Rulemaking. Anyone, including ARAC members, who contact the agency for the purpose of discussing a proposal during the comment period, should be advised to submit a written comment to the official docket. An exception to this arises if the FAA chooses to task the ARAC to assist the agency in disposing of comments received during the comment period.

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- Step 1:** The FAA rulemaking lead submits a letter to the ARAC requesting support, through the DFO.
- Step 2:** The DFO sends the letter to the ARAC Chair.
- Step 3:** The ARAC Chair sends the FAA’s letter to the Working Group Chair and to the ARAC members.
- Step 4:** The Working Group Chair distributes the letter along with the associated comments NPRM to the working group members for review.
- Step 5:** The Working Group Chair schedules a meeting for the working group, including the FAA Representative and the ARM analyst, to review and discuss the request and comments.
- Step 6:** The working group documents the response to the request.
- Step 7:** The Working Group Chair sends the response electronically to the ARAC Chair.

2.5.2 ARAC Response to FAA’s Request

Once the working group has finalized the response, it is discussed during a public meeting. The ARAC Chair:

- Step 1:** Receives the working group response and emails the FAA request the letter of support, the NPRM, and the working group response to the ARAC members.
- Step 2:** Schedules the working group response for discussion at the ARAC’s next public meeting.
- Step 3:** Requests each ARAC member and non-voting member review the FAA request, the comments, and the working group response before it is discussed during the public meeting.
- Step 4:** Ensures the response is discussed and deliberated. The Working Group Chair should attend the ARAC public meeting to address issues and concerns raised during the meeting.
- Step 5:** The ARAC Chair asks the members to officially accept the working group response to the FAA request.
- Step 6:** The ARAC Chair submits the response to the FAA.

The preamble to the final rule should include a discussion of the FAA request and the ARAC’s response. If the FAA disagrees with the ARAC response, the preamble should include the FAA’s rationale for disagreement.

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2.6 ARAC MEASURES

2.6.1 Annual Committee Report

The FAA Office of the Administrator is required by the DOT to submit an Annual Committee Report. The Office of Rulemaking submits this report.

Table 2-1
Measures

Measure Type	Measure
Process Performance	The Annual Report for FACA and data base uploads will meet DOT deadlines.
Product Conformity	All ARAC public meeting notices will meet the FACA timeline for publication.
Stakeholder Satisfaction	ARM monitors its QMS mailbox and ARAC feedback forms.


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CHAPTER 3.0: ROLES AND RESPONSIBILITIES

3.1 ARAC POSITIONS AND SELECTION PROCESS

Table 3-1
ARAC Positions


Position	Selected From	ARAC Participation	Term	Selection Process
Chair	ARAC member organization	ARAC	2 years	<ul style="list-style-type: none"> • The Vice Chair from the previous 2 years assumes the Chair position or, if necessary, the FAA can appoint an individual from an ARAC member organization. • The FAA ensures the Chair represents different aviation interests over time by rotating this position through the membership.
Vice Chair	ARAC member organization	ARAC	2 years	<ul style="list-style-type: none"> • The FAA appoints the Vice Chair from different ARAC member organizations every 2 years. • The FAA ensures the Vice Chair represents different aviation interests over time by rotating this position through the membership. • Note: At the end of the Vice Chair's term, the FAA typically selects the Vice Chair to assume the position of Chair.
Designated Federal Officer (DFO)	FAA	ARAC	Indefinite	<ul style="list-style-type: none"> • The Director of the Office of Rulemaking serves as the DFO required by FACA.
ARAC member	Organizations and associations within the aviation industry Public interest and advocacy groups	ARAC Subcommittee Working group	Indefinite. However, the FAA reevaluates the ARAC member organizations every 2 years when it reviews the ARAC charter.	<ul style="list-style-type: none"> • Interested parties submit a request to the DFO. • The FAA considers whether the organization's interests: <ul style="list-style-type: none"> ○ Are represented. ○ Provide a unique perspective on any ARAC issues.
Subcommittee Chair	ARAC member organization	ARAC	Indefinite	<ul style="list-style-type: none"> • The FAA appoints an individual from an ARAC member organization.
		Subcommittee	Indefinite	

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Position	Selected From	ARAC Participation	Term	Selection Process
FAA Subcommittee Representative	FAA	Subcommittee	Indefinite	<ul style="list-style-type: none"> The FAA appoints the individual responsible for a particular subject area.
Subcommittee member	ARAC member organization	Subcommittee	Indefinite	<ul style="list-style-type: none"> In consultation with the Subcommittee Chair and the Subcommittee FAA Representative, the DFO approves the selection of subcommittee member organizations. ARAC and the FAA strive to keep the number of subcommittee members to a manageable number.
Non-voting member	Foreign associations within the aviation industry	ARAC	Indefinite. However, the FAA reevaluates the ARAC member organizations every 2 years when it reviews the ARAC charter.	<ul style="list-style-type: none"> Interested parties submit a request to the DFO. The FAA considers whether the organization's interests: <ul style="list-style-type: none"> Are represented. Provide a unique perspective on any ARAC issues.
Working Group Chair	Interested public/industry from <i>Federal Register</i> notice	Working group	Ends when task(s) are complete	<ul style="list-style-type: none"> Either the ARAC Chair or the Subcommittee, Chair, in consultation with the DFO, appoints an individual.
Working group member	Interested public/industry responses to <i>Federal Register</i> notice	Working group	Ends when task(s) are complete	<ul style="list-style-type: none"> The ARAC or Subcommittee Chair and the FAA, in consultation with the Working Group Chair: <ul style="list-style-type: none"> Reviews the list of interested individuals responding to <i>Federal Register</i> notice or an FAA outreach effort.
Task group member	Members of the working group	Working group	Ends when the temporary assignment is complete.	<ul style="list-style-type: none"> The Working Group Chair forms a temporary task group using the members of the working group.
FAA Working Group Representative	FAA OPR	Working group	Ends when all tasks are complete	<ul style="list-style-type: none"> The FAA OPR assigns an FAA employee with technical expertise.

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Position	Selected From	ARAC Participation	Term	Selection Process
Office of Rulemaking analyst	FAA	Subcommittee	Indefinite	<ul style="list-style-type: none"> The Office of Rulemaking Division Manager with subject matter responsibility appoints an analyst to the position.
		Working group	Ends when task(s) are complete.	
		Task group	Ends when task(s) are complete.	
Economic policy representative	FAA	ARAC Working group	If requested.	<ul style="list-style-type: none"> If the working group requests an economist, the Executive Director of the Office of Aviation Policy and Plans appoints an economist.
Legal representative	FAA	ARAC Working group	If requested.	<ul style="list-style-type: none"> If the working group requests a lawyer, the Assistant Chief Counsel of International Law, Legislative, and Regulations from the Office of the Chief Counsel appoints a lawyer.

Note: The provisions of a June 18, 2010 presidential memorandum, “Lobbyists on Agency Boards and Commissions” applies to the entire selection process.

3.2 ARAC CHAIR

The ARAC Chair is responsible for the following:

- Serves as the focal point for all ARAC activity.
- Presides over ARAC meetings.
- Advises the ARM analyst of any public meetings to be published in the Federal Register and included on the Committee Database website.
- Approves the accuracy of the meeting minutes.

The ARAC Chair works with the DFO or the FAA Representative to identify issues to be addressed, establish priorities, and determine the level and types of staff required. The ARAC Chair serves as the focal point for the ARAC’s membership. This includes coordinating with other Working Group Chairs to ensure there is no duplication of efforts or conflict of concepts.

If a working group has been formed to report directly to the ARAC, the ARAC Chair has the following responsibilities:


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Table 3-2
ARAC Chair

Phase 2: Working Group Formation and Effectiveness	Phase 3: Working Group Addresses Tasks and Submits Recommendations	Phase 4: FAA Requests Clarification of ARAC Recommendations (optional)	Phase 5: FAA Requests ARAC Support to Address Comments to NPRM (optional)
<ul style="list-style-type: none"> • Selects and appoints each Working Group Chair, in consultation with the FAA. • Selects each working group member, in consultation with the FAA and the Working Group Chair. • Ensures each working group is balanced in membership, in consultation with the FAA. • Ensures each task assigned is adequately defined and understood by all concerned. 	<ul style="list-style-type: none"> • Monitors the progress of each working group. • Ensures work plans are coordinated and accepted. • Ensures working group activity progresses in an orderly fashion. • Conducts in-depth reviews of working group reports. • Submits recommendation reports to the FAA and ensures they are on schedule and in an acceptable form. 	<ul style="list-style-type: none"> • Distributes the letter of clarification to the ARAC members and the working group. • Discusses the letter during the public meeting. • Submits the response to the FAA. 	<ul style="list-style-type: none"> • Distributes the FAA request to the ARAC members and the working group. • Discusses the FAA request during the public meeting. • Submits the response to the FAA.

If the ARAC Chair is not present, the Vice Chair assumes the Chair's responsibilities.

3.3 SUBCOMMITTEE CHAIR


The following table describes the Subcommittee Chair's responsibilities:

Table 3-3
Subcommittee Chair

Administrative	Phase 2: Working Group Formation and Effectiveness	Phase 3: Working Group Addresses Tasks and Submits Recommendations	Phase 4: FAA Requests Clarification of ARAC Recommendations (optional)	Phase 5: FAA Requests ARAC Support to Address Comments to NPRM (optional)
<ul style="list-style-type: none"> • Serves as the focal point for all ARAC activity and communications for a subcommittee. • Presides over subcommittee meetings. 	<ul style="list-style-type: none"> • Selects and appoints each Working Group Chair, in consultation with the FAA. 	<ul style="list-style-type: none"> • Monitors the progress of each working group. • Ensures work plans are coordinated with and accepted by the ARAC. 	<ul style="list-style-type: none"> • Distributes the letter of clarification to the subcommittee members and the working group. 	<ul style="list-style-type: none"> • Distributes the request to the subcommittee members and the working group.

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<ul style="list-style-type: none"> • Advises the ARM analyst of any public meetings to be published in the <i>Federal Register</i> and included on the Committee Database website. • Approves the accuracy of the meeting minutes. • At each ARAC meeting reports on: <ul style="list-style-type: none"> ○ The subcommittee’s progress, ○ Decisions reached, ○ Follow-on actions needed, ○ The schedule, and ○ Issues that still need to be resolved. 	<ul style="list-style-type: none"> • Selects each working group member, in consultation with the FAA and the Working Group Chair. • Ensures each working group is balanced in membership, in consultation with the FAA. • Ensures each task assigned is adequately defined and understood by all concerned. 	<ul style="list-style-type: none"> • Ensures working group activity progresses in an orderly fashion. • Conducts in-depth reviews of working group reports. • Submits recommendation report to the ARAC and ensures they are submitted on schedule and in an acceptable form. 	<ul style="list-style-type: none"> • Discusses the working group response during the public meeting. • Submits the response to the ARAC for approval. 	<ul style="list-style-type: none"> • Discusses the working group response during the public meeting. • Submits the response to the ARAC for approval.
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3.4 ARAC, SUBCOMMITTEE, AND NON-VOTING MEMBERS

ARAC and subcommittee members may participate in each phase of the ARAC process by serving as a member of a subcommittee and a working group, and by attending ARAC meetings.

3.4.1 ARAC Members

ARAC members are responsible for:

- Attending the ARAC meetings.
- Providing oversight, deliberation, comments and approval of ARAC activities.
- Contributing his or her respective aviation knowledge and expertise.
- Coordinating with the constituents in his or her aviation sector.
- Discussing the status of each subcommittee activity. This includes addressing problems and concerns.
- Reviewing and approving the activities of working groups that report directly to the ARAC.
- Informing the ARAC Chair and the DFO when he or she can no longer represent his or her aviation sector on a subcommittee.
- Members may continue to serve until a replacement has been appointed or removed for cause. Alternate representatives may be appointed when necessary.

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3.4.2 Subcommittee Members

Subcommittee members are responsible for:

- Attending subcommittee meetings and committee meetings, as appropriate.
- Contributing his or her respective aviation knowledge and expertise.
- Coordinating with the constituents in his or her aviation sector.
- Participating fully in subcommittee activities and committee meetings, as appropriate, by representing his or her aviation sector and its constituents' viewpoint(s).
- Informing the Subcommittee Chair and the FAA Representative when he or she can no longer represent his or her aviation sector on a subcommittee.

3.4.3 Non-voting Members

Non-voting members are responsible for:


- Attending ARAC meetings.
- Providing oversight, deliberation and comments of ARAC activities.
- Contributing his or her respective aviation knowledge and expertise.
- Coordinating with the constituents in his or her aviation sector.
- Informing the ARAC Chair and the DFO when he or she can no longer represent his or her aviation sector.

3.5 WORKING GROUP CHAIR

The following table describes the Working Group Chair's responsibilities:

Table 3-4
Working Group Chair

Phase	Responsibilities
Administrative	<ul style="list-style-type: none"> • Removes inactive, nonparticipating, or disruptive members. • Enforces the ground rules adopted by the working group. • Meetings: <ul style="list-style-type: none"> ○ Selects meeting locations to minimize costs. ○ Sets tentative meeting dates (typically 30 calendar days in advance) to reduce work conflicts and maximize participation. ○ Develops and distributes the agenda. ○ Records meeting minutes, motions, and consensus discussions. ○ Transmits a written status report to either the ARAC or Subcommittee Chair. ○ Maintains working group records. ○ Reports on the working group's progress at each ARAC or subcommittee meeting.

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Phase 2: Working Group Formation and Effectiveness	<ul style="list-style-type: none"> • May be consulted by either the ARAC or Subcommittee Chair along with the FAA to select working group members and establish an optimum working group size to provide expertise and industry interest necessary to complete the task. • Schedules the initial working group meeting.
Phase 3: Working Group Addresses Tasks and Submits Recommendations	<ul style="list-style-type: none"> • Ensures all working group members have a clear understanding of the task and scheduled completion date. • Emails the work plan to the ARAC or Subcommittee Chair for acceptance. • Ensures the working group considers all viewpoints, relevant background material, suggestions, and ideas. • Establishes task groups, when appropriate. • Participates as a member of the working group during deliberations to reach consensus unless, another representative from his or her organization is on the working group to represent the organization's viewpoint. • Reminds each member to keep management/constituents informed of the progress and direction of the working group. • Requests drafting support from the ARAC or Subcommittee Chair at the appropriate stage in deliberations, if needed. • Emails the recommendation report to the ARAC or Subcommittee Chair for acceptance. • Ensures the working group reaches consensus on the work plan. • Documents all consensus positions in the report, both majority and minority. • Promotes collaboration, ensures progress toward consensus is being achieved, and resolves conflicts.
Phase 4: FAA Requests Clarification of ARAC Recommendations (optional)	<ul style="list-style-type: none"> • Distributes the letter of clarification to the working group members. • Coordinates a meeting for the working group to discuss the letter. • Documents the response. • Submits the response to the ARAC Chair or Subcommittee Chair. • Discusses the letter during the public meeting.
Phase 5: FAA Requests ARAC Support to Address Comments to NPRM (optional)	<ul style="list-style-type: none"> • Distributes the letter of support to the working group members. • Coordinates a meeting for the working group to discuss the letter. • Documents the response. • Submits the response to the ARAC Chair • Discusses the letter during the public meeting.


3.6 WORKING GROUP MEMBER

Each working group member:

- Attends working group meetings.

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- Contributes his or her respective aviation knowledge and expertise to the tasks assigned to the working group.
- Coordinates with his or her management and constituents to gain their input throughout the process.
- Actively represents his or her organization's viewpoints.
- Prepares the work plan and recommendation report. It is essential that each working group member understands the document being prepared and any supporting documents.

3.7 FAA MEMBERS

FAA personnel hold the following positions in the ARAC:

- DFO of the ARAC,
- FAA Representative on a subcommittee and working group,
- ARM analyst or Directorate technical writer/editor on the working group and/or subcommittee,
- ARM-20 Council Coordinator,
- FAA legal representative (optional), and
- FAA economic representative (optional).


3.7.1 DFO

The Director of the Office of Rulemaking (ARM-1) serves as the ARAC DFO.

The DFO responsibilities are as follows:

Serves as the focal point for all communications between the FAA and the ARAC.

- Supervises ARAC's affairs to ensure conformity with established procedures.
- Calls all meetings of the ARAC and determines where they are to be held.
- Formulates and approves each ARAC meeting agenda.
- Acts as the DFO at meetings, as required by § 10(e) of FACA.
- Attends each ARAC meeting.
- Ensures a full-time salaried FAA official authorized to adjourn the meeting whenever doing so would be in the public interest is present at all ARAC meetings and all subcommittee meetings.
- Adjourns each ARAC meeting when he or she deems it to be in the public interest.
- Establishes FAA guidance and policies pertaining to the ARAC, including membership and procedural guidelines.
- Provides day-to-day oversight of ARAC activities.
- Arranges for legal and economic support of an attorney and an economist, respectively, when requested by a Subcommittee Chair and/or FAA Representative.
- Acknowledges receipt of recommendation reports.

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- Manages the ARAC finances in accordance with the approved DOT ceiling, which includes supervising the preparation of the annual budget and periodic reports of its affairs.
- Determines the need to renew and prepares the ARAC charter.

3.7.2 FAA Representative

3.7.2.1 Subcommittees

The FAA Representative for a subcommittee is responsible for the following:


- Serves as the FAA’s spokesperson for all activity within his or her subcommittee.
- Attends each subcommittee public meeting.
- Approves each subcommittee meeting agenda.
- Adjourns each subcommittee public meeting when he or she deems it to be in the public interest.
- Ensures each task is properly coordinated within the FAA before it is presented to the subcommittee and is posted in the *Federal Register*.
- Maintains files.
- Serves as the focal point for all communications between the ARAC and the FAA when an issue in his or her particular area of expertise is addressed.
- Works with the Subcommittee Chair to select the Working Group Chair.
- Works with the Subcommittee and Working Group Chairs to select working group members and to notify them of their status.

3.7.2.2 Working Groups

The FAA Representative for a working group should be the project lead from the OPR that requested the tasking.

The FAA Representatives for a working group is responsible for the following:

- Ensures the task is properly coordinated within the FAA before it is presented to the ARAC.
- Serves as the focal point for all communications between the ARAC and the FAA when an issue from the working group is addressed.
- Works with either the ARAC or Subcommittee Chair to select the Working Group Chair.
- Works with the Working Group Chair to select working group members and to notify them of their status.
- Works with the Working Group Chair in developing agendas for meetings.

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- Attends all working group meetings.
- Works with the ARM analyst throughout the task.
- Arranges for legal and economic support of an attorney and an economist, respectively, when requested by the working group.

The FAA Representative must not:

- Commit the FAA to a specific course of action; there is further management review of the recommendation report after it is submitted to the FAA.
- Stop or veto a working group activity. The FAA Representative does not have the authority to act on behalf of the FAA, in this regard.

The FAA Representative should report findings to management as the working group progresses. This will better help guide the working group in developing recommendations.


The following table describes the FAA Representative responsibilities in a working group:

Table 3-5
FAA Representative

Administrative	Phases 1-3
<p>Serves as the liaison between the working group and the FAA.</p> <p>Provides a copy of the working group meeting agenda to the FAA members before the meeting.</p> <p>Prepares a meeting report after each working group meeting and provides a copy of the report to:</p> <ul style="list-style-type: none"> • Other FAA team members; • DFO and FAA management, as appropriate. <p>Responsible for the task assigned to the working group.</p>	<ul style="list-style-type: none"> • Provides the working group with all relevant background material, including unresolved petitions for rulemaking, exemption, interpretations, etc. Participates as a full member of the working group on any issue for which consensus must be reached. • Ensures the FAA's technical-level interest/concerns and FAA's position are made known to the working group. This includes coordinating with FAA organizations and directorates when the working group is making its technical decisions to gain their input early in the development process • Ensures that if the working group holds a dissenting position, it is accurately presented to ARAC. • Relays concerns raised by the attorney or economist to the Working Group Chair. <ul style="list-style-type: none"> ○ If the working group is under a subcommittee, the FAA Representative: Meets with the Subcommittee Chair before each working group meeting to discuss the purpose of the meeting and any concerns. ○ Informs the Subcommittee Chair if the working group chooses to ignore FAA suggestions concerning the format or content of the proposed recommendation report. ○ Works out a resolution with the Subcommittee Chair. Verifies the accuracy of topics discussed at subcommittee public meetings with the Subcommittee Chair and follows up on outstanding issues. ○ Follows up with the Subcommittee Chair on any concerns.

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3.7.3 Office of Rulemaking Analyst

When involved with a working group under the ARAC, the ARM analyst:

- Prepares the *Federal Register* announcement assigning the new tasks and the formation of new working groups (ARAC Tasking Template-Doc #21323),
- Works with the FAA Representative and the Working Group Chair in selecting members.
- Prepares acceptance and rejection letters to volunteers.
- Briefs the working group on both the ARAC and rulemaking processes.
- Ensures the working group follows FACA.
- Ensures the working group understands they are not to perform negotiated rulemaking.
- Attends working group meetings.
- Ensures the working group stays within the objectives of the tasking.
- Keeps the FAA Representative to the working group informed of any opinions, concerns, and objections he or she may have regarding the working group's activities.
- Keeps ARM management up-to-date on working group development, such as expected deliverables and any problems that have arisen, as needed.
- Provides support services to the working group if requested by the Working Group Chair.
- May provide meeting logistics.
- Advises the FAA Representative of any problems or concerns with the content or format of proposed recommendation reports.
- Reminds the working group that the recommendations are just recommendations; the FAA may adopt some, all, or none of the working group's recommendations.
- Prepares letters acknowledging receipt of ARAC recommendation reports.
- Provides information to ARM-20 to maintain the Committee Database website.
- Keeps ARM management up-to-date on working group developments, such as expected deliverables and any problems that have arisen, as needed.
- Obtains feedback from ARAC participants on the committee process using the ARAC Comment/Feedback form (ARM 001-015-F2) (ARM QMS website) at the final ARAC meeting.

In addition to the above, when involved with a subcommittee, the ARM analyst:

- Prepares all *Federal Register* announcements of subcommittee public meetings, assignment of new tasks (ARAC Tasking Template-Doc #21323), and the formation of new working groups.
- Provides information to ARM-20 to maintain the Committee Database website.
- Attends subcommittee public meetings.
- Prepares minutes from public meetings and provides them to ARM-20 for the Committee Database website and official ARAC file.

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Feedback: An ARM employee who receives feedback from anyone associated with an advisory committee is required to record that feedback on the ARAC Comment/Feedback Form (ARM 001-015-F2) (ARM QMS website). This document should be used for feedback from an FAA employee or an advisory committee member.

3.7.4 Directorate Technical Writer/Editor

- Keeps the FAA Representative to the working group informed of any opinions, concerns, and objections he or she may have regarding the working group’s activities and provides advice and recommendations to the FAA Representative on document form and content.
- Provides technical writing or editing assistance to the working group in the preparation of its recommendation reports.
- Provides meeting logistics, as requested.

CHAPTER 4.0: CONSENSUS

4.1 DEFINITIONS RELATED TO CONSENSUS

Consensus:


- Means an agreement by all parties that a specific course of action is acceptable.
- Requires debate and deliberation between divergent segments of the aviation industry, the flying public, and the Government.
- Does not mean that “majority rules.” Consensus can be unanimous or near unanimous.

There are different outcomes of consensus, which include:

- Full consensus
- General consensus
- Dissent

Full consensus means all members agree fully in context and principle and fully support the specific course of action.

General consensus means that, although there may be disagreement, the group has heard, recognized, acknowledged, and reconciled the concerns or objections to the general acceptance of the group. Although not every member fully agrees in context and principle, all members support the overall position and agree not to object to the proposed recommendation report.

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Dissent means a differing in opinions about the specific course of action. There may be times when one, some, or all members do not agree with the recommendation or cannot reach agreement on a recommendation.

4.2 CONSENSUS PROCESS

4.2.1 Determining Consensus

Each working group should establish a process by which it determines if consensus has been reached. During the first meeting, the working group determines how to measure consensus; by either voting or polling.

4.2.2 Documenting Consensus

While consensus is desirable for every phase of the ARAC process, it is more important to provide the FAA decision makers with the best information and analysis possible, including differing perspectives. If disagreement occurs in later phases of the rulemaking process, it becomes counterproductive to the objectives and extremely costly to the FAA.

4.2.2.1 Full Consensus

Ensure the recommendation report states every member is in full agreement with the recommendation(s).

4.2.2.2 General Consensus


It is important to the FAA to understand both the majority and minority positions. The minority positions should be documented explaining the concern with the recommendation.

4.2.2.3 Dissenting Position

There may be times when member(s) or the entire working group cannot reach agreement on the recommendation.

If the entire working group cannot reach agreement on a recommendation, the Working Group Chair submits a statement to the Director of the sponsoring office explaining the issues and concerns and why an agreement was not reached.

If a member or members do not concur with the recommendation, then this dissenting position is documented in the recommendation report. These members draft the dissenting position for the recommendation report. If a dissenting member presents a written objection, the working group documents its position relative to the objection with the reason why the working group chose and

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retains its position. This documentation of objections and positions offers additional opportunity for meaningful communication among all members in the hopes of attaining consensus. With this exercise, disagreements can often be resolved through compromise.

Table 4-1
Consensus


If major opposition to the working group’s position still exists...	
The person opposing: <ul style="list-style-type: none"> • Documents his or her position. • Summarizes his or her understanding of the group’s position. • States why he or she believes the opposing position better addresses the issue and submits any necessary documentation. 	The ARAC: <ul style="list-style-type: none"> • Documents its position. • Summarizes its understanding of the opposition’s position. • States why the working group believes its position better addresses the issue and why the opposing position should not be accepted. • Submits the documentation to the FAA as part of the working group’s recommendation.

4.2.2.4 Non-voting Member’s View

In addition, there may be additional participants at the meeting (e.g., representatives of other aviation authorities) who do not have decision-making privileges as official members. These non-voting members may offer positions differing from the general consensus. In that case, the working group should report consensus with a note describing the non-voting member(s) views.

4.2.3 Request For a Facilitator

It may be advantageous to bring in a group facilitator to ensure all avenues of the problem have been explored and investigated. If the working group wishes to use a facilitator to help reach consensus, the Working Group Chair will ask the FAA Representative to arrange for the services of a facilitator.

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APPENDIX A TO PART III: MEETING ADMINISTRATION AND FACA

A.1 GENERAL INFORMATION ON ARAC MEETING ADMINISTRATION

FACA requires that, when conducting ARAC meetings, the FAA and/or the ARAC must:

- Prepare a notice of meeting for publication in the *Federal Register*. (Note: To meet the FACA 15-day requirement for advisory committee meeting notices, meeting announcements must be sent to the *Federal Register* at least 20 calendar days prior to the meeting date.)
- Keep detailed meeting minutes.
- Make documents available to the public at a single location for copying and inspection.
- Certify the accuracy of meeting minutes.

The FAA requires that ARAC subcommittees follow FACA and FAA requirements applicable to the ARAC.

A.2 NOTICES RELATED TO MEETING ADMINISTRATION

The Office of Rulemaking prepares the *Federal Register* notice of an ARAC meeting, which must be published in the *Federal Register* at least 15 calendar days before the proposed date of the meeting.


A.2.1 FACA

FACA requires timely notice of each ARAC meeting, open or closed, to be published in the *Federal Register*.

This notice describes who is permitted to attend and ensures all interested persons are notified of the meeting. (See section 10(a)(2) of FACA.)

Under FACA, the *Federal Register* notice of an ARAC meeting must include:

- The name of the advisory committee;
- The time, date, place, and purpose of the meeting;
- A summary of the agenda;
- A sentence stating that any member of the public may submit written comments concerning ARAC's affairs;

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- A statement regarding whether the public may speak at the meeting in accordance with guidelines developed by the FAA or the ARAC;
- The name, address, and telephone number of the FAA official to whom the public may address any inquiries; and
- A reasonable deadline for written comments from the public to allow time to copy and mail them to the ARAC members before the meeting.

A.2.2 General Services Administration

The General Services Administration defines “timely notice” as at least 15 calendar days before the meeting. Less than 15 calendar days’ notice may be given in exceptional circumstances provided the reasons for doing so are included in the meeting notice published in the *Federal Register*. The shortened notice period is used only in emergency situations. An administrative oversight cannot be used as a reason for not meeting the 15-day public notice period. (See section 101–6.1015 of Title 41, Code of Federal Regulations.)

A.2.3 FAA Policy

The FAA requires the following be included in the *Federal Register* notice of an ARAC meeting in addition to the FACA notice requirements:

- Building security requirements, if any;
- A statement regarding the availability of sign language, oral interpretation, and assisting listening devices; and
- A statement announcing that meeting space is limited and seating is on a first-come, first-served basis.


A.3 LOCATION

Each ARAC meeting, except for working group meetings, must be held in a Federal facility in Washington, DC, unless the FAA Representative obtains a waiver. In choosing a location, the FAA Representative must take into consideration how many people attended similar meetings in the past and the resources and facilities available to the FAA.

A.3.1 Meetings Held Outside The Washington, DC Area

If the FAA Representative wishes to hold a meeting outside the Washington, DC area, he or she must:

- Obtain the Advisory Committee Meeting Location Waiver form from ARM (ARM 001-015-F1) (ARM QMS website).
- Try to hold the meeting in a Federal facility that is easy to get to and accessible to the public. If the meeting cannot be held in a Federal facility outside the Washington, DC

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area, it should be held in a neutral location and facility that is easy to get to and accessible to the public.

To obtain a waiver to hold a meeting outside the Washington, DC area, the FAA Representative:

- Completes and e-mails or faxes the Advisory Committee Meeting Location Waiver form (ARM 001-015-F1) (ARM QMS website) to the DFO 60 calendar days before the proposed meeting date.
- Receives approval of the request from the DFO and the DOT Committee Management Officer. The DFO generally responds within 14 calendar days of receipt of the form.

A.3.2 Change of Meeting Location or Date of Meeting

If a meeting location or a meeting date needs to be changed, the change should be coordinated with the appropriate ARAC members at least 30 calendar days before the meeting.

A.3.3 Meeting Frequency

Table A3-1
Meeting Frequency

Type of Meeting	Recommended Frequency per year
ARAC	Four times
Subcommittee	At least twice

A.3.4 Scheduling ARAC Meetings


Table A3-2
ARAC Meetings

Type of Meeting	Scheduled By	Scheduler's Duties
ARAC	DFO in consultation with the ARAC Chair	<ul style="list-style-type: none"> • Choose a meeting location. • Develop and approve the agenda. • Ensure announcement of the meeting is published in the <i>Federal Register</i>.
Subcommittee	FAA Representative in consultation with the Subcommittee Chair.	<ul style="list-style-type: none"> • Choose a meeting location. • Develop and approve the agenda. • Ensure announcement of the meeting is published in the <i>Federal Register</i>.

A.3.5 Notice of Meetings

Announcements of ARAC meetings must be published in the [Federal Register](#).

For a list of ARAC meetings, the general public may visit the [Committee Website](#).

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A.3.6 Public Participation

ARAC and subcommittee meetings are open to the public. These meetings give the public an opportunity to provide input on ARAC recommendation reports before the ARAC submits the documents to the FAA.

A portion of an ARAC meeting may be set aside for public participation to the extent that the meeting time and agenda permit. The *Federal Register* notice announcing the meeting provides the public with specific information on addressing the ARAC. The public is welcome to present or send written material to the ARAC at any time.

The public may address the ARAC with the permission of the officiating chair provided the chair has advance notice concerning the scope and duration of the intended presentation. The officiating chair may entertain public comment if, in his or her judgment, doing so would not disrupt the orderly progress of the meeting and would not be unfair to any other person.

A.3.7 Closed Meetings

The FAA may close an ARAC meeting or a portion of an ARAC meeting only for reasons such as when information to be discussed:

- Is classified or best kept secret in the interests of national defense or foreign policy.
- Discloses trade secrets or commercial or financial information obtained from a person that is privileged and confidential.

Section 552b, paragraph (c) of Title 5 of the U.S.C. on Open Meetings contains a more detailed list of when a Government agency may close a meeting. (See also 5 U.S.C. § 10(d) of FACA.)


A.3.8 FACA Briefing

Each ARAC and subcommittee meeting must include a briefing on FACA requirements. The DFO or the FAA Representative, as appropriate, must include this briefing in his or her opening remarks. The briefing does not need to be identified as an agenda item.

A.3.9 Meeting Agenda

The meeting agenda should include:

- A review of ARAC activities.
- Any item that needs to be discussed or approved at the meeting.

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A.4 WORKING GROUP MEETINGS

A.4.1 Attendance

Only working group members may attend working group meetings. Working group meetings are not usually open to the public. The Working Group Chair may approve attendance by others at the working group meetings. The Working Group Chair has the right to ask any uninvited persons to leave the meeting.

A.4.2 Location/Meeting Frequency

Working group meetings may be held in any reasonable and accessible location and as often as necessary to enable the working group to complete its task.

A.4.2 Scheduling

The Working Group Chair, in consultation with the FAA Representative, schedules the working group meetings by:

- Choosing a meeting location.
- Developing an agenda.
- Informing either the ARAC Chair or the Subcommittee Chair and the DFO or the FAA Representative, respectively, of upcoming working group meetings.
- Notifying each working group member and any assigned FAA support staff of the meeting, including sending an agenda.


A.4.3 Meeting Guidelines

The working group does not need a quorum to hold a meeting, and may meet as long as the attendees have the necessary expertise to carry out the task.

The Working Group Chair and the FAA Representative should be present.

A.4.4 Change of Meeting Date

Working groups are encouraged to develop a meeting schedule when developing the work plan. If a scheduled meeting date needs to be changed, the Working Group Chair should be contacted immediately to assess whether appropriate working group members will be able to attend. A new meeting date should be coordinated with all group members.

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APPENDIX B TO PART III: RECORDKEEPING

B.1 AVAILABILITY OF RECORDS

Consistent with FOIA, 5 U.S.C. §552, the records, reports, transcripts, minutes, and other documents that are made available to, or prepared by, ARAC and subcommittee meeting records will be available for public inspection in the Office of Rulemaking during business hours, Monday through Friday, 8:30 a.m. to 5:00 p.m., excluding Federal holidays. (See section 10(b) of FACA.) In addition, most information on ARAC activities may be found on the [Committee Database website](#). Fees will be charged for information furnished to the public in accordance with the fee schedule published in Part 7 of Title 49, Code of Federal Regulations. Records shall be handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule.

Working group products and/or recommendation reports are available to the public but are not made available for public inspection and copying until they are finalized and included for discussion on the agenda for an ARAC or subcommittee public meeting. These records are made available on the [Committee Database website](#).


Upon a FOIA request that reasonably describes records that have not yet been made public, the FAA must make records available in accordance with published rules unless the records fall within one of the [nine statutory exemptions](#) under FOIA. Any working group information in the custody and control of the FAA is releasable to the public under FOIA unless it falls within one of the nine statutory exemptions.

At times the FAA may deem it appropriate to exercise its option under exemption 5 to withhold recommendations, opinion, and analyses under the deliberative process privilege. To allow release of these documents would discourage the open and frank discussions between agency employees and create confusion in those cases where the FAA does not adopt recommendations and opinions. Exemption 5 allows the agency to protect deliberative, pre-decisional materials, such as advisory opinions, and recommendations presented by agency staff while reaching a final determination or position on any particular matter under agency consideration.

Note: FAA Representatives ought to be aware of the type of information in their possession. For example, if manufacturers share sensitive data with the working group members, the FAA Representative may look at and discuss the data during the meeting without the information being subject to a FOIA request. If the FAA Representative takes possession of the information upon leaving the meeting, then the working group information is subject to FOIA. If the FAA Representative needs data to complete a working group assignment, he or she should make sure the data is in a form or format that would be releasable under FOIA. Proprietary data or data in

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which the identity of the source is sensitive should be marked out or removed before the FAA Representative takes possession of the documents. (See FOIA, 5 U.S.C. §552)

B.2 MAINTAINING ARAC AND SUBCOMMITTEE RECORDS

The following ARAC records must be kept:

- Official correspondence relating to committee activities.
- Membership information.
- Agendas.
- Minutes of meetings.
- Invitations to meetings.
- Studies, analyses, and draft reports presented to the ARAC for discussion.
- Final reports submitted in response to the task statement.
- Records of time served and claims for payment, as appropriate.

The DFO maintains the official records. The records are maintained electronically and in paper form. The FAA encourages Subcommittee Chairs to submit recommendation reports to the Office of Rulemaking in electronic form, whenever possible. The records are stored in the Office of Rulemaking and can be found on the [Committee Database website](#).

B.3 MAINTAINING WORKING GROUP RECORDS

Each working group maintains records of working group meetings. The Working Group Chair maintains:


- A list of meeting attendees.
- A chronology of all meetings.
- Deliberations on all decisions.
- Working drafts of reports prepared by the working group.

B.4 MEETING MINUTES

B.4.1 Contents of Minutes

FACA requires detailed minutes to be kept for ARAC meetings. The FAA requires subcommittees keep detailed minutes, as required for the ARAC by FACA.

The working group and task groups should keep minutes, but this is not required by FACA. Minutes should contain an accurate description of each matter discussed and the resolution, if

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any, made by the group. The minutes will be used to review past deliberations on an issue if it resurfaces. (See section 10(c) of FACA.)

The following must be included in the ARAC and subcommittee meeting minutes.

Table B4-1
Meeting Requirements

FACA Requirements	FAA Policy
A record of the persons present.	<ul style="list-style-type: none"> • A list of ARAC members, staff, and FAA employees who attended, as well as any members of the public. • The number of members of the public present. • The time, date, and place of meeting.
A complete and accurate description of matters discussed and conclusions reached.	<ul style="list-style-type: none"> • A complete and accurate description of each matter discussed and conclusions and resolutions, if any, made by the ARAC.
Copies of all reports received or approved by the ARAC.	<ul style="list-style-type: none"> • Copies of each report or other document received, approved, or accepted by the ARAC.

B.4.2 Accuracy and Certification of Minutes

The following individuals are responsible for the accuracy and certification of the ARAC and subcommittee meeting minutes.


Table B4-2
Meeting Responsibility

Type of Meeting	Individual Responsible for Accuracy of Minutes	Individual Responsible for Certification of Minutes
ARAC	ARAC Chair	ARAC Chair
Subcommittee	FAA Representative	Subcommittee Chair

ARAC and subcommittee meeting minutes are approved by the responsible individual.

B.4.3 Availability of Minutes

Copies of the approved and certified ARAC and subcommittee meeting minutes are available to all ARAC members and the public on the [Committee Database website](#).

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APPENDIX C TO PART III: TELECONFERENCE MEETINGS

C.1 NOTICE OF TELECONFERENCE

Teleconferencing may be used for all ARAC meetings, including working group meetings.

If the meeting will be open to the public, the FAA must publish a notice announcing the ARAC meeting in the *Federal Register* 15 calendar days before the meeting. The teleconference information is included in the notice. The notice also tells the public who to contact to arrange for teleconference access.

C.2 ARRANGEMENTS

A teleconference is arranged as follows:

Table C2-1
Teleconference Responsibilities


Type of meeting	Responsible individual or organization
ARAC and subcommittee	Office of Rulemaking
Working group	Working Group Chair

Special arrangements for a teleconference need to be made when an ARAC meeting is held outside the Washington, DC area. If an ARAC or subcommittee meeting is held outside the Washington, DC area, the Office of Rulemaking will reserve a conference room in the FAA headquarters building to provide teleconference services for participants in the Washington, DC area, if needed.

An individual who requires the meeting be held outside the Washington, DC area completes the Advisory Committee Meeting Location Waiver form (ARM-001-015-F1) (ARM QMS website), including the section on teleconferencing services, 60 calendar days before the date of the meeting. The DFO will respond to the requestor within 14 calendar days of receiving the form.

C.3 TELECONFERENCE PARTICIPATION

Persons are allowed to participate by telephone on a first-come, first-served basis. Working group members who wish to participate in a working group meeting by telephone should contact the Working Group Chair.

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Each speaker should announce when he or she is connecting and disconnecting from the teleconference and must identify himself or herself before speaking.

C.4 MEETING MATERIALS

Participants obtain meeting materials by contacting the person listed in the *Federal Register* notice under FOR FURTHER INFORMATION CONTACT. For working group meetings, the Working Group Chair may send meeting materials such as agendas or handouts to participants before and, if necessary, after the teleconference.

C.5 TELEPHONE CALL CHARGES

No one may be reimbursed for telephone call charges when participating in a teleconference. Callers from outside the Washington, DC area are responsible for paying long distance telephone charges.